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THE LAW REPORTS

1928–9

THE PUBLIC GENERAL ACTS

Passed in
The Nineteenth and Twentieth Years of the
Reign of His Majesty

King George the Fifth

And the

Church Assembly Measures

Which received the Royal Assent during that Session
with

Tables of the Titles,
Effect of Legislation, Index, and
Index to the Local and Private Acts
passed during the Session

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TABLE I.

A TABLE OF THE TITLES OF THE PUBLIC GENERAL ACTS

PASSED in the FIFTH SESSION of the THIRTY-FOURTH PARLIAMENT of the UNITED KINGDOM of GREAT BRITAIN AND NORTHERN IRELAND.

(NOVEMBER 6, 1928—MAY 10, 1929.)

19 & 20 GEORGE 5.—A.D. 1929.

19 GEORGE 5.

ROYAL ASSENT, 28TH NOVEMBER, 1928.

1. An Act to provide that, for the purpose of the power of the Treasury to make advances to the Unemployment Fund during the period ending on the thirty-first day of December, one thousand nine hundred and thirty, the total amount of the advances which may be outstanding during the deficiency period shall be increased to forty million pounds. (*Unemployment Insurance.*)

ROYAL ASSENT, 19TH DECEMBER, 1928.

2. An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and twenty-nine. (*Consolidated Fund* (*No.* 1) *Act*, 1928 (*Session* 2).)

3. An Act to continue certain expiring laws. (*Expiring Laws Continuance.*)

4. An Act to amend section sixteen of the Electricity (Supply) Act, 1919. (*Electricity Supply.*)

5. An Act to grant money for the purpose of certain local loans out of the local loans fund, and for other purposes relating to local loans. (*Public Works Loans.*)

6. An Act to enable a railway company to participate in the provision of mail cargo and passenger services in the Western Highlands and Islands of Scotland. (*Western Highlands and Islands* (*Transport Services*).)

ROYAL ASSENT, 5TH FEBRUARY, 1929.

7. An Act to authorise the sale of the telegraph undertakings established under the Pacific Cable Acts, 1901 to 1924, and the West Indian Islands (Telegraph) Act, 1924, and of certain submarine telegraph undertakings in the possession of the Postmaster-General, and to make provision for certain matters incidental thereto. (*Imperial Telegraphs.*)

8. An Act to make further provision with respect to the constitution of the Judicial Committee of the Privy Council and to authorise the appointment of an additional Lord of Appeal in Ordinary. (*Appellate Jurisdiction.*)

9. An Act to amend the provisions of the Law of Property Act, 1925, relating to relief against forfeiture of underleases. (*Law of Property (Amendment).*)

ROYAL ASSENT, 27TH MARCH, 1929.

10. An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and twenty-eight, one thousand nine hundred and twenty-nine, and one thousand nine hundred and thirty. (*Consolidated Fund (No. 2).*)

11. An Act to amend the law with respect to the pensions of persons in the Diplomatic Service. (*Superannuation (Diplomatic Service).*)

12. An Act to extend the periods during which guarantees may respectively be given and remain in force under the Overseas Trade Acts, 1920 to 1926. (*Overseas Trade.*)

13. An Act to secure in Scotland by means of the formation of a company and the assistance thereof out of public funds the making of loans for agricultural purposes on favourable terms, and to facilitate the borrowing of money in Scotland on the security of agricultural assets; and for purposes connected therewith. (*Agricultural Credits (Scotland).*)

14. An Act to amend the Northern Ireland Land Act, 1925. (*Northern Ireland Land.*)

15. An Act to empower the Secretary of State to make regulations with respect to cotton cloth factories and for purposes connected with the enforcement of the enactments relating to such factories. (*Factory and Workshop (Cotton Cloth Factories).*)

16. An Act to amend the law relating to the payment of pensions to Governors, and persons holding similar offices, who have served within His Majesty's Dominions, or in British Protectorates, or Mandated Territories. (*Pensions (Governors of Dominions, &c.).*)

17. An Act to amend the law relating to the administration of poor relief, registration of births, deaths, and marriages, highways, town planning and local government; to extend the application of the Rating and Valuation (Apportionment) Act, 1928, to hereditaments in which no persons are employed; to grant complete or partial relief from rates in the case of the hereditaments to which that Act applies; to discontinue certain grants from the Exchequer and provide other grants in lieu thereof; and for purposes consequential on the matters aforesaid. (*Local Government.*)

18. An Act to confirm and give effect to an agreement made between the Treasury and the Ministry of Finance for Northern Ireland for continuing the agreement set forth in the Unemployment Insurance (Northern Ireland Agreement) Act, 1926. (*Unemployment Insurance (Northern Ireland Agreement).*)

19. An Act to amend subsection (2) of section fourteen of the Unemployment Insurance Act, 1927, by extending to twenty-four months the period of twelve months therein mentioned. (*Unemployment Insurance (Transitional Provisions Amendment).*)

ROYAL ASSENT, 25TH APRIL, 1929.

20. An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and Air Force. (*Army and Air Force (Annual).*)

ROYAL ASSENT, 10TH MAY, 1929.

21. An Act to re-impose income tax and to apply with respect to income tax and the annual value of property the like provisions (subject to the exception of certain temporary provisions contained in the Finance Act, 1926, and the Finance Act, 1927) as were applied in the last preceding year, to continue the duties of customs charged by section seven of the Finance Act, 1925, on hops, preparations of hops and beer, and the additional excise drawback payable under the said section, to impose a duty of customs on hop oil, to apply section ninety-eight of the Customs Consolidation Act, 1876, to hops, and to repeal the duty of excise payable on bets made with a bookmaker, the railway passenger duty, and the duty of customs on tea. (*Finance.*)

22. An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty, and to appropriate the Supplies granted in this Session of Parliament. (*Appropriation.*)

23. An Act to consolidate the Companies Acts, 1908 to 1928, and certain other enactments connected with the said Acts. (*Companies.*)

24. An Act to amend the law with respect to gas undertakings, and for purposes connected therewith. (*Gas Undertakings.*)

25. An Act to transfer to county councils and to the town councils of certain burghs in Scotland functions of existing local authorities relating to poor relief, lunacy and mental deficiency, education, public health, and other matters; to amend the law relating to local government in Scotland; to extend the application of the Rating and Valuation (Apportionment) Act, 1928, to lands and heritages in which no persons are employed, to net and cruive salmon fishings and to minerals let but unworked; to grant relief from rates in the case of the lands and heritages in Scotland to which that Act applies; to discontinue grants from the Exchequer for certain purposes in Scotland and to provide other grants in lieu thereof; and for purposes consequential on the matters aforesaid. (*Local Government (Scotland).*)

26. An Act to grant complete exemption from rates during the current half-year in the case of agricultural hereditaments in England to which the Rating and Valuation (Apportionment) Act, 1928, applies; and for purposes in connection therewith. (*Agricultural Rates.*)

27. An Act to amend the law relating to Savings Banks, Savings Bank Annuities, and the Post Office Register. (*Savings Banks.*)

28. An Act to permit the issue by Friendly Societies and Industrial Assurance Companies of policies of assurance on the duration of certain lives for a specified period, to validate certain endowment policies issued by such societies and companies, to exclude repayments of premiums under endowment policies from the computation of the maximum sums which may be paid on death by such societies and companies, and to make provision as to the rights of owners of certain endowment policies upon the surrender thereof. (*Industrial Assurance and Friendly Societies.*)

29. An Act to consolidate the Government Annuities Acts, 1829 to 1888, and the enactments amending those Acts. (*Government Annuities.*)

30. An Act to prevent difficulties arising in the event of the office of stipendiary magistrate for Chatham and Sheerness not being filled. (*Chatham and Sheerness Stipendiary Magistrate.*)

31. An Act to enable the Council of the Pharmaceutical Society of Great Britain to make byelaws providing for the registration, without examination, of persons registered as pharmaceutical chemists in Northern Ireland. (*Pharmacy.*)

32. An Act to regulate the sale and manufacture of artificial cream. (*Artificial Cream.*)

33. An Act to enable highway authorities and the owners of bridges carrying public carriage roads to make agreements with respect to the maintenance, improvement, reconstruction and transfer of such bridges, and of the approaches thereto and the roads carried thereby; to empower the Minister of Transport, in the absence of any such agreement, to make orders with respect to the matters aforesaid and for purposes incidental to the making of such agreements and orders. (*Bridges.*)

34. An Act to amend the law with regard to the destruction of children at or before birth. (*Infant Life (Preservation).*)

35. An Act to amend section eighteen of the Fire Brigade Pensions Act, 1925. (*Fire Brigade Pensions.*)

36. An Act to make void marriages between persons either of whom is under the age of sixteen. (*Age of Marriage.*)

37. An Act to amend the Police Magistrates (Superannuation) Act, 1915, so far as relates to Metropolitan Police Magistrates. (*Police Magistrates Superannuation (Amendment).*)

38. An Act to declare the law with respect to the issue of process by justices for compelling the attendance of witnesses in bastardy proceedings. (*Bastardy (Witness Process).*)

39. An Act to amend section thirty-two of the Salmon and Freshwater Fisheries Act, 1923. (*Salmon and Freshwater Fisheries (Amendment).*)

THE

PUBLIC GENERAL STATUTES.

[19 GEO. 5.]

CHAPTER 1.

An Act to provide that, for the purpose of the power of the Treasury to make advances to the Unemployment Fund during the period ending on the thirty-first day of December, one thousand nine hundred and thirty, the total amount of the advances which may be outstanding during the deficiency period shall be increased to forty million pounds. [28th November 1928.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Increase of limit on Treasury advances.

1. The limit on the amount, which may be outstanding during the deficiency period, of the advances to be made by the Treasury for the purpose of discharging the liabilities of the unemployment fund under the Unemployment Insurance Acts, 1920 to 1927, shall be increased to forty million pounds:

Provided that after the thirty-first day of December, nineteen hundred and thirty, no further advances shall be made unless and until the amount of the advances outstanding has been reduced below thirty million pounds, and thereafter the amount of advances outstanding at any time during the deficiency period shall not exceed thirty million pounds.

Short title, construction and extent.

2.—(1) This Act may be cited as the Unemployment Insurance Act, 1928, and shall be construed as one with the Unemployment Insurance Acts, 1920 to 1927, and those Acts and this Act may be cited together as the Unemployment Insurance Acts, 1920 to 1928.

(2) This Act shall not extend to Northern Ireland.

CHAPTER 2.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and twenty-nine.

[19th December 1928.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Issue of 1,575,710*l.* out of the Consolidated Fund for the service of the year ending 31st March 1929.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and twenty-nine, the sum of one million five hundred and seventy-five thousand seven hundred and ten pounds.

Power for the Treasury to borrow.

2.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole one million five

hundred and seventy-five thousand seven hundred and ten pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and twenty-nine, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills. 40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

3. This Act may be cited as the Consolidated Fund (No. 1) Act, 1928 (Session 2). Short title.

CHAPTER 3.

An Act to continue certain expiring laws.

[19th December 1928.]

WHEREAS the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire, as respects those mentioned in Parts I. and II. of that Schedule, on the thirty-first day of December, nineteen hundred and twenty-eight; as respects those mentioned in Part III. thereof, on the thirty-first day of March, nineteen hundred and twenty-nine; and, as respects those mentioned in Part IV. thereof, in England on the twenty-fifth day of December, nineteen hundred and twenty-eight, and in Scotland on the twenty-eighth day of May, nineteen hundred and twenty-nine:

And whereas it is expedient to provide for the continuance, as in this Act mentioned, of those Acts and of the enactments amending or affecting the same:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Continuance of Acts in Schedule.

1.—(1) The Acts mentioned in Part I. of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of December, nineteen hundred and twenty-nine and shall then expire, unless further continued.

(2) The Acts mentioned in Part II. of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of December, nineteen hundred and thirty-one, and shall then expire, unless further continued.

(3) The Acts mentioned in Part III. of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of March, nineteen hundred and thirty, and shall then expire, unless further continued.

(4) The Acts mentioned in Part IV. of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued in England until the twenty-fifth day of December, nineteen hundred and twenty-nine, and in Scotland until the twenty-eighth day of May, nineteen hundred and thirty.

(5) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the Schedule to this Act or not.

Short title and application to Northern Ireland.

2.—(1) This Act may be cited as the Expiring Laws Continuance Act, 1928.

(2) This Act shall apply to Northern Ireland in so far as it deals with any enactment relating to a subject with respect to which the Parliament of Northern Ireland has not power to make laws, but subject to this provision this Act shall not apply to Northern Ireland.

SCHEDULE.

Part I.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1) 46 & 47 Vict. c. 60.	The Labourers (Ireland) Act, 1883.	The whole Act -	48 & 49 Vict. c. 77. 49 & 50 Vict. c. 59. 54 & 55 Vict. c. 48. 54 & 55 Vict. c. 71. 55 & 56 Vict. c. 7. 59 & 60 Vict. c. 53. 61 & 62 Vict. c. 37. 3 Edw. 7. c. 37. 6 Edw. 7. c. 37. 7 Edw. 7. c. 44. 9 Edw. 7. c. 42. 1 & 2 Geo. 5. c. 19. 4 & 5 Geo. 5. c. 32. 8 & 9 Geo. 5. c. 20. 9 & 10 Geo. 5. c. 55.
(2) 58 & 59 Vict. c. 21.	The Seal Fisheries (North Pacific) Act, 1895.	The whole Act -	2 & 3 Geo. 5. c. 10.
(3) 4Edw.7.c.24.	The Wireless Telegraphy Act, 1904.	The whole Act -	6 Edw. 7. c. 13. 15 & 16Geo.5. c. 67. 16 & 17 Geo.5. c. 54.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(4) 2 & 3 Geo. 5. c. 2.	The Coal Mines (Minimum Wage) Act, 1912.	The whole Act	10 & 11 Geo. 5. c. 50.
(5) 4 & 5 Geo. 5. c. 3.	The Grey Seals Protection Act, 1914.	The whole Act.	——
(6) 4 & 5 Geo. 5. c. 78.	The Courts (Emergency Powers) Act, 1914.	So far as it relates to orders made by any court before the thirty-first day of August, nineteen hundred and twenty-two.	6 & 7 Geo. 5. c. 13. 6 & 7 Geo. 5. c. 18. 7 & 8 Geo. 5. c. 25. 9 & 10 Geo. 5. c. 64. 10 & 11 Geo. 5. c. 5. 13 & 14 Geo. 5. c. 8.
(7) 6 & 7 Geo. 5. c. 12.	The Local Government (Emergency Provisions) Act, 1916.	Sections six, seven, and nine; subsection (7) of section thirteen; paragraph (3) of section twenty-two.	——
(8) 6 & 7 Geo. 5. c. 55.	The Local Government (Emergency Provisions) (No. 2) Act, 1916.	The whole Act	11 & 12 Geo. 5. c. 12.
(9) 9 & 10 Geo. 5. c. 92.	The Aliens Restriction (Amendment) Act, 1919.	Section one.	——
(10) 9 & 10 Geo. 5. c. 97.	The Land Settlement (Scotland) Act, 1919.	Sections one and two.	12 & 13 Geo. 5. c. 52.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(11) 10&11 Geo.5. c. 47.	The Ministry of Food (Continuance) Act, 1920.	So far as it authorises the making, or revoking in whole or in part, of Part III. of the Sale of Food Order, 1921, and provides for the enforcement and imposes penalties for the breach thereof.	——
(12) 10&11 Geo.5. c. 57.	The Unemployment (Relief Works) Act, 1920.	The whole Act.	——
(13) 10&11 Geo.5. c. 65.	The Employment of Women, Young Persons and Children Act, 1920.	Section two.	——
(14) 11&12 Geo.5. c. 64.	Poor Law Emergency Provisions (Scotland) Act, 1921.	The whole Act	13 & 14 Geo.5. c. 6. 14 & 15 Geo.5. c. 9. 15 & 16 Geo.5. c. 35. 17 Geo. 5. c.3.
(15) 17 Geo. 5. c.3.	Poor Law Emergency Provisions (Scotland) Act, 1927.	Sections one, three and five.	——

PART II.

(16) 8 & 9 Geo. 5. c. 34.	The Statutory Undertakings (Temporary Increase of Charges) Act, 1918.	So far as it relates to tramway undertakings.	10 & 11 Geo.5. c. 14.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(17) 10&11 Geo.5. c. 21.	The Harbours, Docks and Piers (Temporary Increase of Charges) Act, 1920.	The whole Act -	12 & 13 Geo. 5. c. 23.
(18) 12&13 Geo.5. c. 27.	The Canals (Continuance of Charging Powers) Act, 1922.	The whole Act -	15 & 16 Geo.5. c. 2.
(19) 14&15 Geo.5. c. 34.	The London Traffic Act, 1924.	The whole Act.	——

PART III.

(20) 59 & 60 Vict. c. 16.	The Agricultural Rates Act, 1896.	The whole Act -	2 Edw. 7. c. 42. 7 Edw. 7. c. 13. 13 & 14 Geo.5. c. 39. 15 & 16 Geo.5. c. 10.
(21) 59 & 60 Vict. c. 37.	The Agricultural Rates, Congested Districts, and Burgh Land Tax Relief (Scotland) Act, 1896.	The whole Act -	60 & 61 Vict. c. 53. 7 Edw. 7. c. 13. 1 & 2 Geo. 5. c. 49. 13 & 14 Geo.5. c. 39. 16 & 17 Geo.5. c. 47.
(22) 13&14 Geo.5. c. 39.	The Agricultural Rates Act, 1923.	The whole Act, except section fifteen.	15 & 16 Geo.5. c. 10. 16 & 17 Geo.5. c. 47.

PART IV.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(23) 10 & 11 Geo. 5. c. 17.	The Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.	The whole Act -	13 & 14 Geo. 5. c. 32. 14 & 15 Geo. 5. c. 18. 15 & 16 Geo. 5. c. 32.

CHAPTER 4.

An Act to amend section sixteen of the Electricity (Supply) Act, 1919. [19th December 1928.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Section sixteen of the Electricity (Supply) Act, 1919, shall have effect as if the words "before the said eighth day of May" wherever they occur in that section were omitted. Amendment of 9 & 10 Geo. 5. c. 100, s. 16.

2. This Act may be cited as the Electricity (Supply) Act, 1928, and shall be construed as one with the Electricity (Supply) Acts, 1882 to 1926, and those Acts and this Act may be cited as the Electricity (Supply) Acts, 1882 to 1928. Short title and construction.

CHAPTER 5.

An Act to grant money for the purpose of certain local loans out of the local loans fund, and for other purposes relating to local loans.

[19th December 1928.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Grants for public works.

1.—(1) There may be issued by the National Debt Commissioners for the purpose of local loans by the Public Works Loan Commissioners any sum or sums not exceeding in the whole the sum of thirty-five million pounds.

(2) The sums so issued shall be issued during a period ending on the day on which a further Act granting money for the purposes of those loans comes into operation and in accordance with the provisions of the National Debt and Local Loans Act, 1887.

50 & 51 Vict. c. 16.

Certain debts not to be reckoned as assets of local loans fund.

2. Whereas it is expedient that the principal of the several local loans specified in the Table contained in the Schedule to this Act should, to the extent specified in the last column of that Table, not be reckoned as assets of the local loans fund established under the National Debt and Local Loans Act, 1887:

Now, therefore, the principal of the said loans to the extent aforesaid shall be written off from the assets of the local loans fund, and the provisions of section fifteen of the said Act shall, so far as applicable, apply thereto.

Remission of balance of principal and interest in respect of certain local loans.

3. Whereas it is provided by the last preceding section of this Act that the principal of the local loans specified in the Table contained in the Schedule to this Act shall, to the extent of the sums respectively specified in the last column of that Table, be written off from the assets of the local loans fund:

And whereas the said sums constitute respectively the balances remaining unpaid out of the total amounts advanced, and are irrecoverable:

Now, therefore, the principal of the said loans shall, to the extent aforesaid, be extinguished and all arrears of interest thereon shall be remitted.

4. This Act may be cited as the Public Works Loans Act, 1928. Short title.

SCHEDULE.

LOANS BY PUBLIC WORKS LOAN COMMISSIONERS UNDER THE AGRICULTURAL CREDITS ACT, 1923. Sections 2 and 3.

Name of Borrower.	Amount of Loan.	Amount to be written off.
	£	£ s. d.
Joseph Harold Clark - - -	3,825	127 8 5
William Edward Dannatt - -	3,270	845 10 8
William Denson - - - -	6,750	242 10 2

CHAPTER 6.

An Act to enable a railway company to participate in the provision of mail cargo and passenger services in the Western Highlands and Islands of Scotland. [19th December 1928.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1) If there is incorporated, whether before or after the passing of this Act, a company having for its principal objects the provision of mail cargo and passenger services in the Western Highlands and Islands of Scotland, and the acquisition of the assets of any company which prior to such incorporation provided such services, it Authorisation of railway company to hold shares, &c., in company

providing transport services in the Western Highlands and Islands of Scotland.

shall be lawful for the Minister of Transport, after consultation with the Secretary of State, by order, to authorise any railway company therein specified to hold shares, stock or debentures in or of any such company so incorporated to such amount as may be specified in the order, and on any such order being made, the railway company so authorised may, notwithstanding anything contained in any enactment, subscribe for, take and hold such shares, stock or debentures to such amount as aforesaid, and may, with the assent of the Minister of Transport and of such company, provide in the Western Highlands and Islands of Scotland any such services as aforesaid by sea, air or land which it would have been competent for such company to provide, and may apply for or towards the purposes of any power conferred in pursuance of this subsection any sums of money which such railway company have raised or may raise in pursuance of any enactment and which are not required for the purposes to which they are by such enactment made specially applicable.

(2) Any order made under the foregoing subsection may, on application by the railway company, be amended or varied by a subsequent order.

Short title.

2. This Act may be cited as the Western Highlands and Islands (Transport Services) Act, 1928.

CHAPTER 7.

An Act to authorise the sale of the telegraph undertakings established under the Pacific Cable Acts, 1901 to 1924, and the West Indian Islands (Telegraph) Act, 1924, and of certain submarine telegraph undertakings in the possession of the Postmaster-General, and to make provision for certain matters incidental thereto.

[5th February 1929.]

WHEREAS by the Pacific Cable Acts, 1901 to 1924, which were consolidated with amendments by the Pacific Cable Act, 1927, the Pacific Cable Board (in this Act referred to as "the Board") was constituted

17 & 18 Geo. 5. c. 9.

for the construction and working of a trans-pacific cable undertaking (in this Act referred to as "the Pacific Cable undertaking"):

And whereas the Treasury in pursuance of the powers conferred by the said Acts borrowed from the National Debt Commissioners for the purpose of defraying the cost of construction of the said undertaking certain money (in this Act referred to as "the Pacific Cable loan"), which is repayable under the provisions of the said Acts by means of terminable annuities charged on and payable out of the Consolidated Fund of the United Kingdom or the growing produce thereof:

And whereas it was arranged that any sums required for the repayment of the Pacific Cable loan and for the annual expenses of the Board, so far as not covered by receipts, should be ultimately provided by the several Governments (in this Act referred to as "the partner Governments") mentioned in the First Schedule to the Pacific Cable Act, 1927, and represented on the Board in the proportions mentioned in that Schedule, and that any profits of the Board should be divided between the partner Governments in the same proportions:

And whereas in pursuance of the West Indian Islands (Telegraph) Act, 1924, the Treasury borrowed from the National Debt Commissioners for the purpose of defraying the costs of the construction or provision of a certain cable and wireless telegraph undertaking in the West Indian Islands (in this Act referred to as "the West Indian undertaking") certain other money (in this Act referred to as "the West Indian Telegraph loan") which is repayable under the provisions of the last-mentioned Act by means of terminable annuities charged on and payable out of the Consolidated Fund of the United Kingdom or the growing produce thereof: 14 & 15 Geo. 5. c. 14.

And whereas it was arranged that any sum required for the repayment of the West Indian Telegraph loan and for the annual expenses of working the West Indian Undertaking should, so far as not covered by receipts, be ultimately provided by the Governments of the various parts of His Majesty's dominions mentioned in the Schedule to the last-mentioned Act in the proportions therein specified and that any profits arising from the working of that undertaking should be divided between those Governments in the same proportions:

And whereas the Board in pursuance of section eight of the Pacific Cable Act, 1927, have undertaken as agents the management of the West Indian undertaking:

And whereas the Postmaster-General possesses two transatlantic cable undertakings (hereinafter referred to as "the Imperial Transatlantic Cable undertakings"):

And whereas a Conference of representatives of the partner Governments and of certain other Governments of His Majesty's dominions and colonies was appointed to examine the situation which had arisen as a result of the competition of the Beam Wireless with the Cable Services, to report thereon and to make recommendations with a view to a common policy being adopted by the various Governments concerned:

And whereas it was recommended by the said Conference that a company to be formed (called by the said Conference and hereinafter referred to as "the Communications Company") should take over, as from the first day of April, nineteen hundred and twenty-eight, the Pacific Cable undertaking, the West Indian undertaking and the Imperial Transatlantic Cable undertakings:

And whereas it was further recommended by the said Conference that the Communications Company should pay certain capital sums for the said undertakings and should also assume responsibility for the payment of the annuities created to repay the Pacific Cable loan:

And whereas it is expedient to enable the said recommendations to be carried into effect and to make provision for certain matters incidental thereto:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Sale of Pacific Cable undertaking.

1. The Board, with the consent of and on terms approved by all the partner Governments, may sell the Pacific Cable undertaking to the Communications Company as from the first day of April, nineteen hundred and twenty-eight, and if the recommendations aforesaid

with respect to the said undertaking are carried into effect the following provisions shall come into operation :—

(*a*) The amount of the share of His Majesty's Government in the United Kingdom in the capital sum paid by the Communications Company for the said undertaking (including any interest payable thereon) shall be paid to the Treasury;

(*b*) All sums paid by the Communications Company on account of the annuities created to repay the Pacific Cable loan shall be paid to the National Debt Commissioners and applied by them in discharge of the said annuities, but the said annuities shall, unless provided for as aforesaid or otherwise, continue to be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof;

(*c*) Sections three, four, five, six and seven of the Pacific Cable Act, 1927, shall be deemed to have been repealed as from the thirty-first day of March, nineteen hundred and twenty-eight :

Provided that nothing in this repeal shall affect the operation of the said sections in relation to anything required to be done in relation to the year ending on the date aforesaid.

Sale of West Indian undertaking.

2. The Board, acting as agents as aforesaid, may, with the consent of and on terms approved by the Governments mentioned in the Schedule to the West Indian Islands (Telegraph) Act, 1924, sell the West Indian undertaking to the Communications Company as from the first day of April, nineteen hundred and twenty-eight, and if the recommendations aforesaid with respect to the said undertaking are carried into effect the following provisions shall come into operation :—

(*a*) The capital sum paid by the Communications Company for the said undertaking shall be paid to the National Debt Commissioners and shall be applied by the Commissioners in reduction of the West Indian Telegraph loan, and as from the date of such payment the annuities created to repay that loan shall be re-calculated and reduced accordingly;

(*b*) The said annuities, re-calculated and reduced as aforesaid, shall, unless otherwise provided for, continue to be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof;

(*c*) Sections one, three, four and five of the West Indian Islands (Telegraph) Act, 1924, shall be deemed to have been repealed as from the thirty-first day of March, nineteen hundred and twenty-eight:

Provided that nothing in this repeal shall affect the operation of the said sections in relation to anything required to be done in relation to the year ending on the date aforesaid.

Dissolution of Pacific Cable Board.

3.—(1) If the Pacific Cable undertaking and the West Indian undertaking are taken over as aforesaid, then, as from the appointed day, the whole of the Pacific Cable Act, 1927, and the West Indian Islands (Telegraph) Act, 1924, shall be repealed and the Board shall be dissolved:

Provided that nothing in this repeal shall affect the said arrangement for the ultimate provision by the Governments mentioned in the Schedule to the West Indian Islands (Telegraph) Act, 1924, of any sums required for the repayment of the West Indian Telegraph loan.

(2) The appointed day for the purposes of this section shall be such day as may be fixed by Order of His Majesty in Council.

Sale of the Imperial Transatlantic Cable undertakings.

4. The Postmaster-General may sell to the Communications Company the Imperial Transatlantic Cable undertakings as from the first day of April, nineteen hundred and twenty-eight, on such terms as the Treasury may approve and any sums paid by the said Communications Company as the price of the said undertakings shall be paid to the Treasury.

Short title.

5. This Act may be cited as the Imperial Telegraphs Act, 1929.

CHAPTER 8.

An Act to make further provision with respect to the constitution of the Judicial Committee of the Privy Council and to authorise the appointment of an additional Lord of Appeal in Ordinary.

[5th February 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Power to appoint Indian judges, &c. as additional members of the Judicial Committee.

1.—(1) His Majesty may by letters patent appoint two persons qualified as provided in this section to be members of the Judicial Committee of the Privy Council, and may from time to time fill any vacancies caused by death or otherwise in the offices of the persons so appointed.

(2) A person shall be qualified under this section if he is a Privy Councillor and is or has been a judge of a court which is a High Court within the meaning of clause (24) of section three of an Act of the Indian Legislature known as the General Clauses Act, 1897, or is a barrister, advocate or vakil of not less than fourteen years' standing who practices or has practised in British India.

(3) A person appointed a member of the Judicial Committee under this section shall hold his office during good behaviour subject to a power of removal by His Majesty on an address presented to His Majesty by both Houses of Parliament, but shall retire therefrom on attaining the age of seventy-two years.

(4) There shall be paid to each person appointed a member of the Judicial Committee under this section a yearly salary of two thousand pounds, and the said salary shall be charged on and paid out of the Consolidated Fund or the growing produce thereof.

(5) If provision is made for the payment to any such person out of the revenues of India of any sum, not

exceeding two thousand pounds, by way of increase of salary, that sum may be received by that person, and his salary shall be treated as being increased accordingly.

(6) His Majesty may, by Letters Patent, grant to any person appointed a member of the Judicial Committee under this section who having served as such member for a period of five years or upwards—

(*a*) retires on attaining the age of seventy-two; or

(*b*) is, before attaining such age as aforesaid, disabled by permanent infirmity from discharging the duties of his office;

a pension by way of annuity to be continued during his life of one thousand pounds a year, and any such pension shall be charged on and paid out of the Consolidated Fund or the growing produce thereof.

3 & 4 Will. 4. c. 41. 50 & 51 Vict. c. 70.

(7) Section thirty of the Judicial Committee Act, 1833, and section four of the Appellate Jurisdiction Act, 1887, shall be repealed, but nothing in this repeal shall, in the case of any person who at the passing of this Act is entitled under those sections to attend the sittings of the Judicial Committee, affect his right so to attend, or the payment to him of the allowance which at the passing of this Act he is receiving under those sections.

Additional Lord of Appeal. 39 & 40 Vict. c. 59. 3 & 4 Geo. 5. c. 21.

2. His Majesty may appoint one Lord of Appeal in Ordinary in addition to the six Lords of Appeal in Ordinary whom He may appoint by virtue of the Appellate Jurisdiction Act, 1876, as amended by the Appellate Jurisdiction Act, 1913, and the provisions of section six of the Appellate Jurisdiction Act, 1876 (as amended by any subsequent enactment) with respect to the appointment of Lords of Appeal in Ordinary and their duties, tenure of office, rank, position, salary and pension shall apply to the making of appointments and to persons appointed under this section.

Short title.

3. This Act may be cited as the Appellate Jurisdiction Act, 1929.

CHAPTER 9.

An Act to amend the provisions of the Law of Property Act, 1925, relating to relief against forfeiture of under-leases. [5th February 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Relief of under-lessees against breach of covenant. 15 Geo. 5. c. 20.

1. Nothing in subsection (8), subsection (9) or subsection (10) of section one hundred and forty-six of the Law of Property Act, 1925 (which relates to restrictions on and relief against forfeiture of leases and under-leases), shall affect the provisions of subsection (4) of the said section.

Short title. 16 & 17 Geo. 5. c. 11.

2. This Act may be cited as the Law of Property (Amendment) Act, 1929, and the Law of Property Act, 1925, the Law of Property (Amendment) Act, 1926, so far as it amends that Act, and this Act may be cited together as the Law of Property Acts, 1925 to 1929.

CHAPTER 10.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and twenty-eight, one thousand nine hundred and twenty-nine, and one thousand nine hundred and thirty. [27th March 1929.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament have resolved to grant unto Your Majesty the sums hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be

enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Issue of 1,998,247*l.* 18*s.* 7*d.* out of the Consolidated Fund for the service of the years ending 31st March 1928 and 1929.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom, and apply towards making good the supply granted to His Majesty for the service of the years ending on the thirty-first day of March, one thousand nine hundred and twenty-eight and one thousand nine hundred and twenty-nine, the sum of one million nine hundred and ninety-eight thousand two hundred and forty-seven pounds eighteen shillings and sevenpence.

Issue of 169,488,100*l.* out of the Consolidated Fund for the service of the year ending 31st March 1930.

2. The Treasury may issue out of the Consolidated Fund of the United Kingdom, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty, the sum of one hundred and sixty-nine million four hundred and eighty-eight thousand one hundred pounds.

Power for the Treasury to borrow.

3.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole one hundred and seventy-one million four hundred and eighty-six thousand three hundred and forty-seven pounds eighteen shillings and sevenpence.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and thirty and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

4. This Act may be cited as the Consolidated Fund (No. 2) Act, 1929. Short title.

CHAPTER 11.

An Act to amend the law with respect to the pensions of persons in the Diplomatic Service.

[27th March 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. Subject to the provisions of this Act, the Diplomatic Salaries, &c. Act, 1869, shall cease to have effect, and accordingly the provisions of the Superannuation Acts, 1834 to 1919, shall apply to persons in the diplomatic service as they apply to other persons in the permanent civil service of the State, subject, however, to the following modifications :— Pensions of persons in the diplomatic service. 32 & 33 Vict. c. 43.

(*a*) The salaries and emoluments on which superannuation allowances are to be calculated shall, in the case of persons serving abroad, be such as the Treasury may determine having regard to the salaries and emoluments of persons serving in corresponding grades in the department of the Secretary of State:

(*b*) If the Secretary of State certifies that it was necessary, in the interests of diplomatic relations, to recall from his mission a person serving abroad as ambassador, minister or high commissioner, and if, in the opinion of the Treasury, it is, for reasons outside the control of that person,

impracticable to find suitable employment for him in the public service, the Treasury may grant to him such superannuation allowance, additional allowance or gratuity as might have been awarded if at the date of his recall he had been a person incapable from permanent infirmity of mind or body of discharging the duties of his office:

(*c*) If a person serving abroad is by reason of war or any interruption of diplomatic relations withdrawn from service before he has become eligible for the award of a superannuation allowance, and it is, in the opinion of the Treasury, impracticable to find suitable employment for him in the public service, the Treasury may, on the recommendation of the Secretary of State, award to him a temporary allowance equal to the amount of the superannuation allowance, if any, (but not including any additional allowance under subsection (2) of section one of the Superannuation Act, 1909), which might have been granted to him if at the date of his withdrawal he had been a person incapable from permanent infirmity of mind or body of discharging the duties of his office;

9 Edw. 7. c. 10.

If any person dies while in receipt of a temporary allowance granted under the foregoing provision, he shall be deemed to have died while still employed in the public service:

(*d*) Every existing member of the diplomatic service shall, for the purposes of section one of the Superannuation Act, 1909, be deemed to have entered the service after the date of the passing of that Act notwithstanding that he was appointed to the diplomatic service before that date, and the amount of the lump sum which under subsection (2) of section one of the Superannuation Act, 1909, may be granted by way of additional allowance on retirement shall, in the case of an existing member of the diplomatic service, be increased by one-half per cent. in respect of each completed year he had served at the passing of this Act.

Saving for existing members of diplomatic service.

2.—(1) An existing member of the diplomatic service may give notice that he desires to remain subject to the provisions of the Diplomatic Salaries, &c. Act, 1869, and section one of this Act shall not apply as respects any person by whom notice is so given.

(2) A notice for the purposes of this section must be in such form, and must be given within such period, as may be prescribed by the Secretary of State with the approval of the Treasury.

Short title and interpretation.

3.—(1) This Act may be cited as the Superannuation (Diplomatic Service) Act, 1929.

(2) In this Act—

The expression "minister" means envoy extraordinary and minister plenipotentiary, minister plenipotentiary, minister resident, chargé d'affaires in some foreign State where no other diplomatic representative is usually appointed to reside on behalf of His Majesty, or agent and consul-general in some foreign State where the duties of the person holding the office have been generally of a political character:

The expression "existing member of the diplomatic "service" means a person to whom immediately before the commencement of this Act the Diplomatic Salaries, &c. Act, 1869, applied, or a person who having been appointed a member of the diplomatic service at any time after the first day of April, nineteen hundred and nineteen, was such a member immediately before the commencement of this Act, whether he was or was not a person to whom the said Act so applied.

(3) If any question arises whether a person is or at any time was a member of the diplomatic service or was a person to whom the Diplomatic Salaries, &c. Act, 1869, applied, that question shall be determined by the Treasury after consultation with the Secretary of State, and the decision of the Treasury thereon shall be final.

CHAPTER 12.

An Act to extend the periods during which guarantees may respectively be given and remain in force under the Overseas Trade Acts, 1920 to 1926. [27th March 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Extension of periods during which guarantees may be given and remain in force.

1. The period within which new guarantees may be given under the Overseas Trade Acts, 1920 to 1926, shall be extended so as to expire on the eighth day of September, nineteen hundred and thirty-one, and the period during which guarantees given under the said Acts (including renewed guarantees) may remain in force shall be extended so as to expire on the eighth day of September, nineteen hundred and thirty-six.

Short title.

2. This Act may be cited as the Overseas Trade Act, 1929, and the Overseas Trade Acts, 1920 to 1926, and this Act may be cited together as the Overseas Trade Acts, 1920 to 1929.

CHAPTER 13.

An Act to secure in Scotland by means of the formation of a company and the assistance thereof out of public funds the making of loans for agricultural purposes on favourable terms, and to facilitate the borrowing of money in Scotland on the security of agricultural assets; and for purposes connected therewith. [27th March 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

Part I.

Long Term Credits.

Power to make advances, &c. to agricultural security company.

1.—(1) With a view to the incorporation of a company having for its principal objects—

(*a*) the making of loans on heritable securities over agricultural land;

(*b*) the making of loans under the Improvement of Lands Acts, 1864 and 1899, for agricultural purposes:

and with a view to securing that loans by such a company shall be made on terms most favourable to the borrowers, it shall be lawful for the Department of Agriculture for Scotland (hereinafter referred to as the Department) with the approval of the Treasury to undertake that, if such a company having such objects and complying with the provisions hereinafter contained is incorporated, they will—

(i) make advances to the company (for the purpose of establishing a guarantee fund) not exceeding in the aggregate one hundred and twenty-five thousand pounds, and not at any time exceeding in the aggregate the amount at that time of the paid-up share capital of the company; such advances—

(*a*) to be payable in instalments so, however, that the aggregate amount paid shall not exceed—

	£
On incorporation of the company	40,000
By 1st October 1929 - -	85,000
By 1st October 1930 - -	125,000

(*b*) to be free from interest for a period of sixty years, and thereafter to carry interest at such rate, not exceeding the average yield of such Government funded stocks, as the Treasury from time to time may determine;

(ii) make payments of one thousand seven hundred and fifty pounds per annum for ten years as contributions towards the cost of the administration of the company.

(2) The Treasury may agree to procure the underwriting of debentures to be issued by the company as hereinafter mentioned to such aggregate amount as may be necessary to raise a sum not exceeding eight hundred thousand pounds.

(3) The Treasury may subscribe to debentures to be issued by the company to an amount not exceeding one-fourth of each issue of debentures, and not exceeding in the aggregate two hundred thousand pounds, and any such subscriptions shall be deemed to be a local loan within the meaning of the National Debt and Local Loans Act, 1887, and that Act shall apply accordingly.

50 & 51 Vict. c. 16.

(4) Such sums not exceeding in the whole the sum of one hundred and thirty-five thousand pounds as may be required for the purpose of making such advances as aforesaid or for procuring the underwriting of debentures as aforesaid shall be issued out of the Consolidated Fund or the growing produce thereof at such times and to such amounts as the Treasury think fit.

(5) The sums payable towards the cost of the administration of the company shall be paid out of moneys provided by Parliament.

(6) Any sums paid by the company by way of repayment of or interest on advances made by the Department shall be paid to the Exchequer.

Provisions as to company.

2.—(1) The company to be so formed as aforesaid shall be a company limited by shares and registered under the Companies Acts, 1908 to 1917.

(2) The Memorandum and Articles of the company shall be subject to the approval of the Department and shall contain such provisions as are hereinafter mentioned, and shall not be alterable without the approval of the Department.

(3) The Memorandum or Articles of the company shall make provision—

(*a*) for securing that of the directors, one shall be a person nominated by the Treasury so long as any part of the advances made by the Department remains outstanding;

(*b*) for restricting the dividends on the share capital of the company to five per cent. per annum;

(*c*) for regulating the loans to be made by the company on heritable security, so that a loan shall in no case exceed two-thirds of the estimated value of the security subjects at the time of the loan, and that the loans shall be repayable by equal yearly or half-yearly instalments of capital and interest spread over a period not exceeding sixty years, or repayable on such other terms as may be authorised by the said Memorandum or Articles;

(*d*) for empowering the company for the purpose of making loans to raise money by means of the issue of debentures;

(*e*) for the creation of suitable reserve funds, and as to the investment and application of the sums standing to the credit of those funds;

(*f*) for regulating the use of the guarantee fund to which the advances made by the Department are to be carried;

(*g*) for requiring the company to supply to the Department copies of balance sheets and profit-and-loss accounts;

(*h*) for the repayment of the advances made by the Department; so, however, that provision shall be made—

(i) that if, at the expiration of fifteen years from the incorporation of the company, the advances made by the Department to the guarantee fund exceed seven-and-a-half per cent. of the aggregate amount of the loans made by the company on heritable securities and land charges up to that date, the excess shall, if the Department so require, be repaid;

(ii) that in any year, after thirty years, from the incorporation of the company, in which the total reserves including the guarantee fund (but excluding the share capital) exceed seven-and-a-half per cent. of the liabilities (other than share capital and guarantee fund), there shall be allocated to the repayment of the guarantee fund one-half of the profits remaining after paying the maximum dividend on the share capital;

(*i*) for providing that in the event of the company being wound up, the liability of the company to the Department for the amount of the advances outstanding shall rank after other liabilities of the company to creditors, and that if, after the discharge of such other liabilities, the sum available is insufficient to pay the sums so outstanding and the paid-up share capital in full, the sum so available shall be divided between the Department and shareholders in the proportion which the amount of the outstanding advances of the Department bears to the amount of the paid-up share capital of the company.

(4) For the purposes of this Part of this Act, references to debentures shall include references to debenture stock and references to shares and shareholders shall include references to stock and stockholders.

Debentures of the company to be authorised trust investment. 11 & 12 Geo. 5. c. 58. 15 Geo. 5. c. 19.

3. Debentures issued by the company shall be included amongst the securities in which a trustee may invest trust funds under the powers of section ten of the Trusts (Scotland) Act, 1921, or section one of the Trustee Act, 1925.

Application of excess reserves.

4. If, after the repayment of the advances made by the Department to the guarantee fund, the reserves increase more rapidly than is required for the maintenance of the reserves as provided for in the Memorandum or Articles of the company, the company shall apply such part of the excess reserves for the benefit of borrowers in accordance with a scheme or schemes to be prepared by the company to the satisfaction of the Department.

PART II.

AGRICULTURAL SHORT-TERM CREDITS.

Agricultural charges.

5.—(1) It shall be lawful for a society to which this Part of this Act applies to create by instrument in writing in favour of a bank a charge (hereinafter referred to as an agricultural charge) on all or any of the property hereinafter specified as security for sums advanced or to be advanced to it or paid or to be paid on its behalf under any guarantee by the bank and interest, commission and charges thereon.

(2) The property which may be affected by such a charge shall be the stocks of merchandise from time to time belonging to and in the possession of the society in pursuance of the objects which it has been formed to carry out.

(3) The principal sum secured by an agricultural charge may be either a specified amount, or a fluctuating amount advanced on current account not exceeding at any one time such amount (if any) as may be specified in the charge, and in the latter case the charge shall not be deemed to be redeemed by reason only of the current account having ceased to be in debit.

(4) An agricultural charge may be in such form and made upon such conditions as the parties thereto may agree, and cautioners may be made parties thereto.

Effect of agricultural charge.

6.—(1) An agricultural charge shall, so long as the charge continues in force, confer on the bank a right of security over the property affected by the charge which, subject as hereinafter provided, may, on the happening of any event specified in the instrument creating the charge as an event authorising such enforcement, be enforced by sequestration and sale of such property in like manner in all respects as in the case of the hypothec of a landlord.

(2) The right of security conferred by the foregoing subsection shall rank after any right of hypothec competent to the landlord of the society or to the superior of the lands occupied by the society, and on any sequestration and sale at the instance of the bank, the bank shall be bound to pay out of the proceeds of such sequestration and sale to such landlord or superior any sums then due in name of rent or feuduty.

(3) An agricultural charge shall be no protection in respect of the property affected by it against any process, execution, or diligences for recovery of taxes or rates.

(4) An agricultural charge shall, so long as the charge continues in force, impose on the society an obligation whenever the society sells any of the property affected by the charge forthwith to pay to the bank the amount of the proceeds of the sale, except to such extent as the charge otherwise provides or the bank otherwise allows; the sums so paid to be applied, except so far as otherwise agreed, by the bank in or towards the

discharge of moneys and liabilities secured by the charge.

(5) Subject to compliance with the obligation so imposed, an agricultural charge shall not prevent the society from selling any of the property subject to the charge, and the purchaser shall not be concerned to see that such obligation is complied with notwithstanding that he may be aware of the existence of the charge.

(6) Where any proceeds of sale which in pursuance of such obligation as aforesaid ought to be paid to the bank are paid to some other person, nothing in this Act shall confer on the bank a right to recover such proceeds from that other person, unless the bank proves that such other person knew that the proceeds were paid to him in breach of such obligation as aforesaid.

Supplemental provisions.

7.—(1) Agricultural charges shall, in relation to one another, have priority in accordance with the times at which they are respectively registered under this Part of this Act.

(2) An instrument creating an agricultural charge shall be exempt from stamp duty.

(3) The Court of Session may make rules prescribing the nature of the documents with which the bank may require to be furnished for identifying the property of the society, on which the agricultural charge rests, and establishing the title of the society thereto.

Registration of agricultural charges.

8.—(1) Every agricultural charge shall be registered under this Act within seven clear days after the execution thereof, and, if not so registered, shall be void as against any person other than the society:

Provided that the Court of Session on proof that omission to register within such time as aforesaid was accidental or due to inadvertence may extend the time for registration on such terms as the Court thinks fit.

(2) The Assistant Registrar of Friendly Societies for Scotland (hereinafter called the Registrar) shall keep a register of agricultural charges in such form and containing such particulars as may be prescribed.

(3) Where it is desired to register an agricultural charge, a memorandum of the instrument creating the

charge, and such particulars of the charge as may be prescribed shall, together with the prescribed fee, be sent by post or delivered to the Registrar at his office, and the Registrar shall forthwith enter the particulars in the register and shall file the memorandum.

(4) The register kept and the memoranda filed under this section shall at all reasonable times be open to inspection by any person on payment (except where the inspection is made by or on behalf of a bank) of the prescribed fee, and any person inspecting the register or any such filed memorandum on payment (except as aforesaid) of the prescribed fee may make copies or extracts therefrom.

(5) Any person may on payment of the prescribed fee require to be furnished with a copy of any entry in the register or of a filed memorandum or any part thereof certified to be a true copy by the Registrar.

(6) Registration of an agricultural charge may be proved by the production of a certified copy of the entry in the register relating to the charge, and a copy of any entry purporting to be certified as a true copy by the Registrar shall in all legal proceedings be evidence of the matters stated therein without proof of the signature or authority of the person signing it.

(7) The Chief Registrar of Friendly Societies may, subject to the approval of the Treasury, make regulations prescribing anything which under this section is to be prescribed, and generally as to the keeping of the register and the filing of memoranda, the removal of entries from the register on proof of discharge, and the rectification of the register.

Interpretation.

9.—(1) This Part of this Act shall apply to a society registered in Scotland under the Industrial and Provident Societies Acts, 1893 to 1928, and having for its principal object the provision and sale of agricultural requisites to its members or the sale, either after a process of manufacture or otherwise, of agricultural produce purchased from its members.

(2) In this Part of this Act—

"Bank" means any bank having power for the time being to issue bank notes;

"Agricultural requisites" means seeds, manures and feeding stuffs, agricultural vehicles, machinery and other plant;

"Agricultural produce" means crops or horticultural produce, live stock and the produce of any kind of animal husbandry, including the carcases, hides, wool and fur of animals, eggs, bacon, cheese, butter and other dairy produce.

Short title, commencement and extent.

10.—(1) This Act may be cited as the Agricultural Credits (Scotland) Act, 1929.

(2) This Act shall come into operation on the first day of April, nineteen hundred and twenty-nine.

(3) This Act, save as otherwise expressly provided, shall apply to Scotland only.

CHAPTER 14.

An Act to amend the Northern Ireland Land Act, 1925. [27th March 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Postponement of appointed day and provisions consequential thereon.

1.—(1) The appointed day under the Northern Ireland Land Act, 1925 (hereinafter referred to as the Act of 1925), may, notwithstanding anything in that Act, be a date later than the twenty-seventh day of May, nineteen hundred and twenty-nine.

15 & 16 Geo. 5. c. 34.

(2) Where the appointed day fixed as respects any holding for the vesting of the holding in the Land Purchase Commission, Northern Ireland (hereinafter referred to as the Commission) under section eight of the Act of 1925, is a date subsequent to the said twenty-seventh day of May, then, notwithstanding anything in

the Land Purchase Acts, the following provisions shall have effect with respect to the holding—

(*a*) the holding shall be treated as a holding to which Part II of the Act of 1925 applies if, had the appointed day been the said twenty-seventh day of May, it would have been so treated, unless before the appointed day the holding has been purchased under the Land Purchase Acts or is on the appointed day the subject of an actual purchase agreement thereunder;

(*b*) the person with whom the Commission is to be deemed under section twelve of the Act of 1925 to have entered into a purchase agreement shall be the person who was tenant of the holding on the said twenty-seventh day of May, or the executors, administrators or assigns of that person;

(*c*) any sum which but for this provision would be payable to the vendor by way of bonus or interest thereon shall be payable to the person who would have been vendor had the appointed day been the said twenty-seventh day of May, or the executors, administrators or assigns of that person;

(*d*) the rent of the holding shall continue to be payable to the person entitled thereto up to the gale day last preceding the appointed day;

(*e*) on the appointed day there shall be payable by the Commission—

(i) to the tenant, or to the person to whom the tenant may have assigned the right to receive the same, a sum equal to the amount (if any) by which the rent in respect of the period from the gale day next preceding the said twenty-seventh day of May to the gale day next preceding the appointed day (irrespective of section thirteen of the Act of 1925) exceeds the amount of the standard purchase annuity in respect of a like period;

(ii) to the National Debt Commissioners a sum calculated at the rate of five shillings per cent. per annum upon the purchase price in

respect of the period aforesaid, and the sum so payable to the National Debt Commissioners shall be treated by them as paid on account of sinking fund;

and the sums so paid shall be treated as part of the expenses of the Commission.

(3) Where as respects any holding an appointed day has not been fixed on or before the said twenty-seventh day of May, and the tenancy in the holding is due to determine either by effluxion of time or the expiration of a notice to determine the tenancy, the tenant or the landlord shall be entitled to apply to the Commission for a declaration as to whether or not the holding is a holding to which Part II of the Act of 1925 applies.

Construction of s. 14 of Act of 1925.

2. It is hereby declared that where a purported sub-letting of a holding of tenanted land which is vested in the Commission by virtue of Part II of the Act of 1925 is invalid by reason only of the failure of the tenant to obtain the consent of the landlord, or of such consent not having been given in the manner required by law, such purported sub-letting shall be deemed to be a valid sub-letting for the purposes of section fourteen of that Act.

Power to confer on vendor of holdings rights of access, &c., to land remaining vested in him.

3.—(1) Where the vendor of one or more holdings vested in the Commission by Part II of the Act of 1925 alleges that it is necessary for the beneficial enjoyment by him of land belonging to him to which section eight of the Act of 1925 does not apply that a right of access or other right over the holding or over one or more of the holdings should be granted or reserved to him, and makes an application for the purpose, the Judicial Commissioner or Land Judge, if satisfied of the truth of the allegation, may grant or reserve to the vendor and his successors in title such right over the holdings or such one of the holdings upon such terms (if any), including payment of compensation, as the Judicial Commissioner or Land Judge may think just.

(2) An application under this section, if made before the vesting of the holding or holdings in the tenant or tenants thereof, shall be made to the Judicial Commissioner in the prescribed manner, and, if made subsequently, shall be made to the Land Judge subject to rules of court.

(3) Where any such right is granted or reserved after the vesting of the holding or holdings in the tenant or tenants thereof, it shall for the purposes of registration under the Local Registration of Title (Ireland) Act, 1891, be deemed to be an easement created by express grant after the first registration of the land, and shall be registered in such manner as the Land Judge may direct. 54 & 55 Vict. c. 66.

(4) Any person aggrieved by any decision of the Judicial Commissioner or Land Judge under this section may appeal to the Court of Appeal in Northern Ireland, and the decision of that court shall be final.

(5) In this section the expression "Land Judge" means the Judge of the High Court of Justice in Northern Ireland to whom the duties of Land Judge of the Chancery Division are for the time being assigned.

Claim by vendor to rights in respect of holdings vested in Commission.

4.—(1) Where the vendor of a holding vested in the Commission by Part II of the Act of 1925 claims that he was immediately before the date of such vesting entitled to a right over the holding, or that he had immediately before that date power to exercise any act of ownership or enjoyment in respect of the holding, being a right or power which was on the twenty-eighth day of May, nineteen hundred and twenty-five, of substantial value, and which, if enjoyed by any person other than the vendor, would have been a profit à prendre then, if the Judicial Commissioner so determines, the holding, after it has been so vested, shall be subject to that right or to that power in like manner, and the exercise of the right or power shall be subject to the like obligations or liabilities, as if the vendor were possessed of a profit à prendre over the holding, and the vendor or the persons entitled to the purchase money, or any part thereof, or the purchaser may, at any time before the vesting of the holding in the purchaser, apply to the Judicial Commissioner in the prescribed manner to determine the claim, and the Judicial Commissioner may determine the claim and the extent of any such right and power, and the costs of any application made under this subsection shall be at the discretion of the Judicial Commissioner:

Provided that—

(i) nothing in this subsection shall affect the operation of section thirteen or section ninety-

3 Edw. 7. c. 37.

nine of the Irish Land Act, 1903, and the enactments amending those sections;

(ii) a power of cutting or making turf upon a portion of a holding which consists of bog shall, if exerciseable under this subsection, be exercised in such manner as not to prevent the future reclamation of the bog and so as to secure that sufficient turf and pasturage will be left for the use of the proprietor of the holding for a reasonable period.

(2) The powers of the Commission and of the Ministry of Finance for Northern Ireland to make regulations with respect to turbary on bogs on holdings may be exercised notwithstanding that the holding is subject to a right or power determined in favour of the vendor under subsection (1) of this section and, where any such regulations affect any such right or power, they shall include such terms as to payment or otherwise for the protection of the vendor as may appear to the Commission or to the Ministry of Finance, as the case may be, or as may appear to the Judicial Commissioner on appeal to be just.

(3) Any person aggrieved by any decision of the Judicial Commissioner under this section may appeal to the Court of Appeal in Northern Ireland, and the decision of that court shall be final.

Redemption of rents by lease-holders.

5. Subsection (3) of section twenty-three of the Act of 1925 shall have effect as if the following paragraph were added at the end thereof :—

54 & 55 Vict. c. 57.

" Proceedings may be taken under the Redemption of Rent (Ireland) Act, 1891, for the redemption of the rent of any holding which is excluded from the operation of that Act by reason only that the annuity for repayment of an advance made to a tenant of that holding under the Land Purchase Acts at any time prior to the first day of November, nineteen hundred and three, has not been paid or redeemed in its entirety."

Provisions as to tenants on certain purchased holdings.

6.—(1) A continuing sub-tenant within the meaning of this section may, in the prescribed manner and within the prescribed time, apply to the Commission to fix an appointed day for his holding, and if the Commission are satisfied that Part II of the Act of 1925 would have

applied to the holding but for the fact that it consists of land which was, before the first day of November, nineteen hundred and three, purchased under the Land Purchase Acts, they shall fix an appointed day accordingly, and Part II of the Act of 1925 shall apply to the holding subject to the following provisions :—

(*a*) the holding of the continuing sub-tenant shall be treated as a separate holding, the continuing sub-tenant shall be treated as the tenant of the holding, and the person by whom the land was purchased as aforesaid or his successor in title shall be treated as the vendor;

(*b*) the Commission shall apportion the annuity which is chargeable under the Land Purchase Acts upon the holding, of which the continuing sub-tenant's holding forms a part, between the first-mentioned holding and the continuing sub-tenant's holding, and the continuing sub-tenant's holding shall be discharged from so much of the annuity as is apportioned thereto;

(*c*) the standard purchase annuity for the purposes of section nine of the Act of 1925 shall be an amount equal to the rent of the continuing sub-tenant's holding;

(*d*) no bonus as defined by section four of the Act of 1925 shall be payable to the vendor;

(*e*) the purchase money shall be applied in redemption of the part of the original annuity apportioned to the continuing sub-tenant's holding, and the balance shall be dealt with as the purchase price of the holding.

(2) In this section the expression "continuing sub-tenant" means a person who is the tenant of land which has been in the occupation of that person or his predecessors in title by virtue of a sub-tenancy created before the first day of November, nineteen hundred and three, and the land which is the subject of such sub-tenancy is in this section referred to as the holding of such continuing sub-tenant.

Determination of tenancies in holdings

7.—(1) Where a holding has been excluded from vesting in the Commission under Part II of the Act of 1925 by reason that it possesses a substantial value or

excluded on account of building value.

utility (whether potential or actual) as building ground, the following provisions shall have effect:—

(*a*) the tenant of the holding shall not be compelled by the landlord to quit the holding or any part thereof, except in consequence of the breach of some one or more of the conditions of his tenancy or upon the determination of the tenancy by a notice to quit given under the following provisions of this subsection;

(*b*) the landlord shall have a right to determine the tenancy in the whole or any part of the holding (whether during the continuance of a statutory term in the tenancy or not) by giving to the tenant six months' notice to quit terminating either on the first day of March or on the first day of November in any year, and a notice so given shall not be withdrawn;

(*c*) if the landlord determines a tenancy as aforesaid, he shall at the expiration of the notice to quit pay to the tenant compensation of an amount calculated as follows—

> If the notice is given before the expiration of ten years from the passing of this Act, an amount equal to thirty times, and if the notice is given after the expiration of the said ten years, an amount equal to thirty-five times, the rateable value of the holding, or the part thereof comprised in the notice, and any buildings thereon.

Provided that where, before the passing of this Act, any buildings have been erected upon the holding or the part thereof comprised in the notice, the tenant or the landlord may at any time before the expiration of the notice apply to the civil bill court to determine the amount of compensation to be paid in respect of such buildings, and the civil bill court shall determine the amount of compensation by reference to the increase in the value of the holding fairly attributable to the buildings; and in that case the amount of compensation shall be calculated according to the foregoing provisions of this paragraph in respect of the holding (or the

part thereof comprised in the notice) apart from such buildings, with the addition thereto of the amount determined by the civil bill court as compensation in respect of such buildings.

For the purposes of this section, the rateable value of a holding or part of a holding means the annual rateable value thereof as shown in the revised valuation lists in force under the Irish Valuation Acts at the time when the notice is given, or, if that value is not separately shown in those lists, the amount certified by the Commissioner of Valuation to be the annual rateable value, and the expression "civil bill court" means the civil bill court of the county or borough where the holding (or the part thereof comprised in the notice) is situate; and where the holding or such part thereof is situate within the jurisdiction of more than one civil bill court, any civil bill court within the jurisdiction of which any part of the land or buildings affected is situate, may determine an application under this paragraph;

Any person aggrieved by any decision of the civil bill court under this section may appeal to the Court of Appeal in Northern Ireland, and the decision of that court shall be final;

(*d*) where the landlord determines the tenancy in a part only of the holding, the tenant shall be entitled to a reduction of rent which shall, in the absence of agreement, be proportionate to the amount by which the rateable value of the part of the holding comprised in the notice to quit is less than the rateable value of the entire holding:

Provided that, if there are buildings on the holding, the amount of the reduction shall in the absence of agreement be determined by the civil bill court on the application of the landlord or tenant;

(*e*) the right of a landlord to determine a tenancy under this section shall be without prejudice to any right of the tenant, under section eight of the Landlord and Tenant (Ireland) Act, 1870, to compensation in respect of crops. 33 & 34 Vict. c. 46.

(2) Nothing in this section shall affect any agreement, arrangement, or compromise made or arrived at before the twentieth day of December, nineteen hundred and twenty-eight, during the hearing of, or in connection with, any objection made to a provisional list under section seventeen of the Act of 1925 by reason of the inclusion or non-inclusion of a holding in such list.

44 & 45 Vict. c. 49.

(3) So much of section five and of subsection (3) of section eight of the Land Law (Ireland) Act, 1881, as relates to the power of the court to authorise the resumption of a holding on the application of the landlord and subsection (2) of section twenty-three of the Act of 1925, shall not apply in the case of a tenancy to which this section applies, and the Landlord and Tenant (Ireland) Act, 1870 (except section eight thereof) and any Acts amending the same, so far as they provide for compensation being paid by the landlord to the tenant, and the Notices to Quit (Ireland) Act, 1876, shall not apply where a landlord gives a notice to quit in the manner authorised by this section.

39 & 40 Vict. c. 63.

Short title and construction.

8.—(1) This Act may be cited as the Northern Ireland Land Act, 1929, and shall be construed as one with the Land Purchase Acts, and may be cited with those Acts.

10 & 11 Geo. 5. c. 67.

(2) For the purposes of section six of the Government of Ireland Act, 1920, this Act shall, so far as it relates to matters within the powers of the Parliament of Northern Ireland, be deemed to be an Act passed before the appointed day within the meaning of that section.

CHAPTER 15.

An Act to empower the Secretary of State to make regulations with respect to cotton cloth factories and for purposes connected with the enforcement of the enactments relating to such factories. [27th March 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows :—

Power to make regulations as to cotton cloth factories.

1.—(1) The Secretary of State may make regulations for the purpose of giving effect to the recommendations contained in the Report, dated the twenty-third day of January, nineteen hundred and twenty-eight, of the Committee appointed by the Secretary of State on the fifth day of November, nineteen hundred and twenty-four, to consider and report whether, and, if so, what modifications of the existing statutory regulations governing the use of artificial humidity in cotton cloth factories are desirable and practicable.

(2) Section ninety-five of the principal Act (which relates to penalties for non-compliance with the provisions of that Act with regard to cotton cloth factories) shall apply to any contravention of or failure to comply with any regulations in force under this Act, and both in its application to those regulations and in its application to the provisions of the principal Act, shall have effect as if there were therein substituted for the words " twelve months " the words " twenty-four months ".

(3) Before any regulations are made under this Act, a draft thereof shall be laid before each House of Parliament for a period of not less than thirty days during the session of Parliament, and if either House before the expiration of that period resolves that the regulations shall not come into force, no further proceedings shall be taken thereon, but without prejudice to the making of any new draft regulations.

Certificates required before approval of building plans relating to cotton cloth factories.

2. No plans or sections relating to the erection or conversion of a building proposed to be used as a cotton cloth factory shall be approved by any local authority to whom they have been submitted in pursuance of any Act or of any byelaw made under any Act unless they are accompanied by a certificate in writing issued by the superintending inspector of factories for the division in which the building is proposed to be erected or converted, certifying that the building to which the plans and sections relate would not, if erected or converted in

accordance therewith, contravene or fail to comply with the regulations in force under this Act.

Short title, citation, construction, repeal and extent.

3.—(1) This Act may be cited as the Factory and Workshop (Cotton Cloth Factories) Act, 1929, and this Act and the Factory and Workshop Acts, 1901 to 1920, may be cited together as the Factory and Workshop Acts, 1901 to 1929.

(2) In this Act—

"Cotton cloth factory" means any room, shed or workshop, or part thereof, in which the weaving of cotton cloth is carried on:

1 Edw. 7. c. 22.

"Principal Act" means the Factory and Workshop Act, 1901.

(3) This Act shall be construed as one with the principal Act, so, however, that the provisions of the principal Act relating to regulations made under that Act shall not apply to regulations made under this Act.

(4) The provisions of sections ninety, ninety-one, ninety-two and ninety-four of the principal Act and of the Fourth Schedule to that Act, so far as those provisions relate to cotton cloth factories, and the Factory and Workshop (Cotton Cloth Factories) Act, 1911, are hereby repealed:

1 & 2 Geo. 5. c. 21.

Provided that any regulation or requirement made or certificate or notice given under the Factory and Workshop (Cotton Cloth Factories) Act, 1911, or any regulation made thereunder, which is in force at the commencement of this Act, shall continue in force and have effect as though it had been made or given under this Act or under the regulations made thereunder as the case may be.

(5) This Act shall not extend to Northern Ireland.

CHAPTER 16.

An Act to amend the law relating to the payment of pensions to Governors, and persons holding similar offices, who have served within His Majesty's Dominions, or in British Protectorates, or Mandated Territories. [27th March 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Increase of units of pensions and of maximum amount of pension. 1 & 2 Geo. 5. c. 24.

1.—(1) For the purpose of calculating the amount of any pension under the Pensions (Governors of Dominions, &c.) Act, 1911 (hereinafter referred to as "the principal Act") the unit of pension for every completed month's service as Governor shall be increased by one pound; and accordingly paragraph (2) of section two of the principal Act shall have effect as if for the words "five," "four," "three" and "two" there were therein substituted respectively the words "six," "five," "four" and "three."

(2) The maximum yearly amount of a pension under the principal Act shall be increased by seven hundred pounds; and accordingly section four of that Act shall have effect as if for the words "thirteen hundred," wherever those words occur, there were therein substituted the words "two thousand."

(3) As respects any person who on the twenty-second day of March, nineteen hundred and twenty-eight, was serving as a Governor (including any person who by virtue of an order made under this Act is deemed to have been so serving), this section shall be deemed to have been in operation as from the date of his appointment as Governor.

Provisions as to alternative pensions

2. Where any Governor entitled to receive a pension under section one of the principal Act is a person who was, immediately before his appointment as Governor,

under Superannuation Acts.

employed in service in the permanent civil service of the State, then, if the amount of the pension payable to him under the principal Act would, together with any further pension which might be granted to him under section three of that Act, be less than the amount of the pension payable to him under this section, a pension may be granted to him under the Superannuation Acts, 1834 to 1919, as if the number of years served by him as Governor had been passed in service in the permanent civil service of the State and as if the rate of salary received by him had been that last received in respect of his employment in that service (emoluments being reckoned for this purpose as salary).

Power to grant a reduced pension under Superannuation Acts in special cases.

3.—(1) Where in any special case it appears to the Secretary of State and the Treasury that it is impracticable to find appropriate employment in the public service for a person who, having served as a Governor and having been employed in service in the permanent civil service of the State, is entitled neither to a pension under section nine of the principal Act nor to a pension under the Superannuation Acts, 1834 to 1919, by reason of his having neither completed ten years' service as a Governor nor attained the age of sixty years, and that it is nevertheless in the interest of the public service to grant him a pension, the Treasury may grant him a pension under the Superannuation Acts, 1834 to 1919, as if he had attained the age of sixty years, and the provisions of subsection (1) of section five of the principal Act shall apply for the purpose of computing any such pension subject, save as hereinafter provided, to the modification that so much of the pension as is payable in respect of his service as a Governor shall be reduced by one-two-hundred-and-fortieth for every completed month which must elapse between the date on which the pension becomes payable and the time at which the person to whom the pension is granted will attain the age of sixty:

Provided that, that part of the pension payable in respect of service as a Governor shall not be so reduced—

(*a*) by more than one-half of the full amount thereof; or

(*b*) in the case of a Governor retiring from service in an unhealthy place who has attained an age at which he would if he had retired while holding

the office last held by him in the permanent civil service of the State have been entitled to receive a pension, by more than will permit of the payment under this section of a pension as nearly as may be equivalent to that which he would have been so entitled to receive.

(2) In this section the expression "unhealthy place" has the same meaning as in the Superannuation Act, 1876, and in determining for the purposes of proviso (*b*) of the last foregoing subsection what pension a Governor would have been entitled to receive if he had retired while holding the office last held by him in the permanent civil service of the State, his service as Governor in an unhealthy place shall be reckoned in manner provided by section two of that Act. 39 & 40 Vict. c. 53.

(3) Every Minute of the Treasury granting a pension under this section shall set forth the amount of the pension granted and the reasons for the grant and shall be laid before Parliament.

(4) This section shall be deemed to have been in operation as from the ninth day of March, nineteen hundred and twenty-two.

Gratuity in case of death while serving as Governor in case of Governors with colonial or similar civil service.

4. Where a Governor who was, immediately before his appointment as Governor, serving in an office in the permanent civil service of a colony, protectorate or mandated territory dies while he is a Governor, the Treasury may grant out of moneys provided by Parliament to his legal personal representatives a gratuity equal to such gratuity, if any, as would, if he had died at the date at which he ceased to serve in that office have been payable out of the revenues of the colony, protectorate or mandated territory.

Amendment of section six of principal Act.

5. For section six of the principal Act (which relates to deduction from pension on account of salary or emolument other than pension) there shall be substituted the following section:—

"If any person to whom a pension has been granted under this Act becomes entitled, otherwise than by way of pension, to any salary or emolument in respect of any employment in service in the permanent civil service of the State,

or in the naval, military or air service of the Crown, his pension shall, subject as herein-after provided, be reduced by an amount equal to one-half of the amount of the salary or emolument:

"Provided that the Secretary of State may, with the approval of the Treasury, exempt any person from the operation of this section if the Secretary of State and the Treasury are satisfied that the employment in respect of which the salary or emolument is payable will not continue for more than one year."

Application of principal Act to Resident at Aden.

6. The principal Act shall apply to any person serving as Resident at Aden, not being a person pensionable out of the revenues of India in respect of that service, as if he were the Governor or administrator of a protectorate; and in that Act the expressions "Governor" and "Governorship" shall be construed accordingly.

Amendment of definition of "service in the permanent civil service of the State."

7. For the purposes of subsection (2) of section five of the principal Act, employment in the permanent civil service of a colony, protectorate, or mandated territory shall not be deemed to be employment in the permanent civil service of the State, but, save as aforesaid, the expression "service in the permanent civil service of the "State" shall, for the purposes of the principal Act and of this Act, include, and be deemed always to have included, service in any permanent office in the government of any colony, protectorate, or mandated territory, being service which qualifies a holder of the office to receive a pension out of the revenues of the colony, protectorate, or mandated territory.

Power to extend principal Act to mandated territories.

8.—(1) The Secretary of State may, by order made with the consent of the Treasury, extend the provisions of the principal Act to any mandated territory.

(2) Every order made under this section—

(*a*) shall be laid before both Houses of Parliament as soon as may be after it is made; and

(*b*) shall come into operation on the date specified therein in that behalf, but may direct that the order shall be deemed also to have been in operation during any period before that

date which may be specified in the order; and

(*c*) may be revoked by any subsequent order made in like manner, but without prejudice to the application of the provisions of the principal Act to the mandated territory to which the order related during any period before the revocation thereof.

(3) During any period during which an order made under this section is in operation, or is, in accordance with directions therein contained, deemed to have been in operation, the principal Act shall have effect or shall be deemed to have had effect, as the case may be, as if the Governor or administrator of the mandated territory to which the order relates were a Governor, and in that Act the expressions "Governor" and "governorship" shall be construed accordingly.

Interpretation.

9. In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Governor" means a Governor within the meaning of the principal Act:

"Mandated territory" means any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty:

"Protectorate" means British Protectorate, and shall be deemed to include the Malay States.

Short title, citation, construction and repeal.

10.—(1) This Act may be cited as the Pensions (Governors of Dominions, &c.) Act, 1929; and the principal Act and this Act may be cited together as the Pensions (Governors of Dominions, &c.) Acts, 1911 and 1929.

(2) Except where the context otherwise requires, references in this Act to the principal Act shall be construed as references to that Act as amended by this Act, and this Act shall be construed as one with that Act.

(3) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Section 10.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
50 & 51 Vict. c. 13.	The Pensions (Colonial Service) Act, 1887.	In section two, the words "the Colonial Governors (Pensions) Acts, 1865 and 1872, and" and the words from "and also the administration" to the end of the section; and In section seven, the words "the Colonial Governors (Pensions) Acts, 1865 and 1872, or"
1 & 2 Geo. 5. c. 24.	The Pensions (Governors of Dominions, &c.) Act, 1911.	In subsection (2) of section five, the words from "For the purposes of this provision" to the end of the section; and In subsection (2) of section twelve, proviso (*a*).
2 & 3 Geo. 5. c. 26.	The Pensions (Governors of Dominions, &c.) (Amendment) Act, 1913.	The whole Act.

CHAPTER 17.

An Act to amend the law relating to the administration of poor relief, registration of births, deaths, and marriages, highways, town planning and local government; to extend the application of the Rating and Valuation (Apportionment) Act, 1928, to hereditaments in which no persons are employed; to grant complete or partial relief from rates in the case of the hereditaments to which that Act applies; to discontinue certain grants from the Exchequer and provide other grants in lieu thereof; and for purposes consequential on the matters aforesaid.

[27th March 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

POOR LAW.

Transfer and administration of Functions.

Transfer of functions of poor law authorities.

1. On the appointed day the functions of each poor law authority, shall, subject to the provisions of this Act and except as otherwise expressly provided by this Act, be transferred to the council of the county or county borough comprising the poor law area for which the poor law authority acts, or, if the poor law area is not wholly comprised within one county or county borough, the functions of the poor law authority so far as they relate to any county or county borough into which the area extends shall be transferred to the council thereof, and as from the appointed day all then existing poor law authorities shall cease to exist.

PART I. —*cont.*

Special provisions as to functions of poor law authorities in respect of infant life protection and vaccination. 8 Edw. 7. c. 67. 8 & 9 Geo. 5. c. 29.

2. As from the appointed day the following provisions shall have effect with respect to functions relating to infant life protection and vaccination formerly discharged by poor law authorities :—

(*a*) functions under Part I of the Children Act, 1908, shall be discharged by the councils of counties and county boroughs as functions under the Maternity and Child Welfare Act, 1918, except that where the council of a district have established a maternity and child welfare committee the said functions shall, in that district, be discharged by the council of the district and not by the county council; and

(*b*) functions relating to vaccination shall be discharged by the councils of counties and county boroughs as functions relating to public health; and

(*c*) the provisions of this Part of this Act relating to administrative schemes and accounts and audit shall not apply as respects the functions aforesaid.

Power to combine councils for special purposes.

3.—(1) Where any two or more councils, whether councils of counties or county boroughs, consider that it is expedient that the areas of the councils should be combined for any purpose connected with the administration of the functions transferred or to be transferred under this Part of this Act and make application to the Minister for the purpose, the Minister may make an order for combining the areas of the councils for the purposes named therein.

(2) Where it appears to the Minister that the combination of the areas of any two or more councils, whether councils of counties or county boroughs, for any purpose connected with the administration of the functions transferred or to be transferred under this Part of this Act, would tend to diminish expense, or would otherwise be of public or local advantage, the Minister may make an order for combining the areas of the councils for the purposes named therein :

Provided that an order shall not be made under this subsection except after a local inquiry, unless all the councils whose areas are to be so combined consent.

PART I. —*cont.*

(3) An order under this section may establish for the purposes of the order a joint committee of the councils, and may constitute the joint committee a body corporate with perpetual succession and a common seal and with power to hold land for the purposes of their functions without licence in mortmain.

(4) Any such order shall define the functions of the joint committee, and regulate the election, meetings and business of the joint committee, the mode of defraying the expenses of the joint committee, and any other matter or thing which it appears necessary or proper to regulate for the better carrying into effect of the order, and may provide for making applicable, subject to the necessary modifications, to the joint committee any of the provisions of this Part or Parts VII or VIII of this Act (including the provisions as to administrative schemes).

(5) An order under this section may be made either before or after the appointed day, and

(*a*) where the order takes effect on the appointed day, any functions which under the order are to be functions of the joint committee shall, as from the appointed day, be transferred to the joint committee, and shall not be transferred to any of the councils included in the combination; and

(*b*) where the order takes effect after the appointed day, a council included in such a combination shall, save as otherwise provided by the order, cease to exercise any functions vested by the order in the joint committee.

(6) An order under this section shall be laid before Parliament as soon as may be after it is made.

Administrative schemes.

4. The council of every county and county borough shall prepare, and within six months after the commencement of this Act submit to the Minister, a scheme (hereinafter referred to as an administrative scheme) of the administrative arrangements proposed to be made for discharging the functions transferred to the council under this Part of this Act:

Provided that the Minister may on the application of a council extend the time within which a scheme is to be submitted if he is satisfied that there is reasonable cause for such extension.

PART I. —*cont.*

Provisions as to alternative powers of giving assistance.

5.—(1) A council in preparing an administrative scheme shall have regard to the desirability of securing that, as soon as circumstances permit, all assistance which can lawfully be provided otherwise than by way of poor relief shall be so provided, and accordingly any such scheme may declare that any assistance which could, after the appointed day, be provided either by way of poor relief or by virtue of any of the following Acts as amended by any subsequent enactment including this Act (that is to say)—

38 & 39 Vict. c. 55. (*a*) The Public Health Act, 1875:

51 & 52 Vict. c. 41. (*b*) The Local Government Act, 1888:

3 & 4 Geo. 5. c. 28. (*c*) The Mental Deficiency Act, 1913:

8 & 9 Geo. 5. c. 29. (*d*) The Maternity and Child Welfare Act, 1918:

10 & 11 Geo. 5. c. 49. (*e*) The Blind Persons Act, 1920:

11 & 12 Geo. 5. c. 12. (*f*) The Public Health (Tuberculosis) Act, 1921:

11 & 12 Geo. 5. c. 51. (*g*) The Education Act, 1921:

shall be provided exclusively by virtue of the appropriate Act and not by way of poor relief, but nothing in this subsection or in any scheme shall diminish or otherwise affect the duty of a council under section thirty-four of the Poor Law Act, 1927, to provide relief for the poor.

17 & 18 Geo. 5. c. 14.

For the purposes of this subsection, the expression "assistance" includes maintenance and treatment at hospitals and other places, the education of children, and any other services which could, after the appointed day, be provided either by way of poor relief or by virtue of any of the above-mentioned Acts.

(2) Where in the case of a county the scheme declares that the education of any children who are being maintained by the council in any institution shall be provided under the Education Act, 1921, the council may make arrangements for that purpose with the local education authority for elementary education for the area in which such institution is situated upon such terms and conditions (including the use by the local education authority of any buildings, premises or equipment belonging to the council) as may be agreed.

(3) Where in the case of a county the scheme declares that any assistance which could be provided by

virtue of the Maternity and Child Welfare Act, 1918, shall be provided under that Act, the county council may make arrangements with the council of any district wholly or partly in the county, who have established a maternity and child welfare committee, for the provision of such assistance within the district by the council thereof upon such terms and conditions (including the use by the district council of any buildings premises or equipment belonging to the county council) as may be agreed, and any such arrangements may require the district council to furnish the county council with particulars of any assistance given by the district council under the Maternity and Child Welfare Act, 1918, whether in pursuance of the arrangements or otherwise.

Public assistance committee.

6.—(1) An administrative scheme shall provide for the constitution of a committee of the council (hereinafter referred to as the public assistance committee), and may provide—

(*a*) that any other committee of the council shall act as the public assistance committee, or that the members for the time being of any other such committee, shall so act; and

(*b*) for the inclusion in the public assistance committee or among any members of another committee acting as such, of persons who are not members of the council, some of who shall be women;

so, however, that of the whole number of members of the public assistance committee or committee or body acting as such, two-thirds at least shall be members of the council.

(2) Subject to the provisions of the last foregoing section, all matters relating to the exercise by the council of the functions (other than those specified in section two of this Act) transferred to them under this Part of this Act, except the power of raising a rate or borrowing money, shall stand referred to the public assistance committee, and the council before exercising any such functions shall, unless in their opinion the matter is urgent, receive and consider the report of the public assistance committee with respect to the matter in question.

PART I —*cont.*

(3) The scheme may provide for the delegation by the council to the public assistance committee, with or without any restrictions or conditions as they think fit, of any of the functions so transferred, except the power of raising a rate or borrowing money, and may provide for the discharge, on behalf of and subject to the general direction and control of the public assistance committee, of any of the functions of that committee by any of the other committees of the council.

Guardians committees and sub-committees.

7.—(1) In the case of a county the administrative scheme shall provide—

(*a*) for the division of the county into areas, each area consisting of one or more districts, and for the constitution for each such area of a local sub-committee of the public assistance committee (to be called the guardians committee of the area) consisting of not more than thirty-six nor less than twelve members:

(*b*) for each guardians committee consisting of—

(i) members for the time being of the council of the district, or of every district, comprised in the area, as the case may be, nominated by the council thereof;

(ii) members for the time being of the county council representing electoral divisions wholly or partly comprised in the area;

(iii) persons (not being elected members of the county council, and including women as well as men) appointed by the county council, so, however, that the number of persons so appointed shall not exceed one-third of the total number of members of the committee;

(*c*) for the discharge, subject to such general or special restrictions or conditions as the county council may from time to time impose, by each guardians committee or a sub-committee thereof of such of the functions transferred to the council under this Part of this Act as relate to the following matters—

(i) the consideration and examination of applications for relief;

(ii) the determination of the nature and amount of the relief, if any, to be given to such applicants;

(iii) the determination of the amount, if any, to be paid by any recipient of relief, or the persons liable for his maintenance, towards reimbursing the council the amount expended by them on his relief;

(iv) the visiting inspection or management, if the public assistance committee so request, of any poor law institutions in the area for which the guardians committee is appointed:

so, however, that the functions to be delegated under this subsection shall not include the appointment or dismissal of any officer:

Provided that upon representations made by the council of any county that special circumstances exist in that county or in any part thereof the Minister may, if he thinks fit, direct that the provisions of this section shall not apply as respects that county or part.

(2) Where a district is not wholly comprised within one county, the portion of the district situate within any county shall, for the purposes of the last preceding subsection, be treated as if it were a separate district.

(3) In appointing persons other than elected members of the county council to be members of any guardians committee a county council shall have regard to the desirability of including persons who are members of poor law authorities immediately before the appointed day and other persons of experience in the matters to be dealt with by the committee.

(4) The scheme shall provide for effective consultation between the public assistance committee and the guardians committee of any area upon business relating specially to that area, and in particular shall empower every guardians committee to nominate their chairman or other representative to be present at any meeting of the public assistance committee at which business specially relating to the area of the guardians committee is to be transacted. Any person so nominated shall be entitled to take part in the proceedings at any such meeting so far as they relate specially to the area of

PART I. —*cont.*

the guardians committee by whom he was nominated but not to vote.

(5) The scheme shall determine the place where a guardians committee shall sit, and any local authority shall allow a guardians committee or any sub-committee thereof to use free of charge for the purposes of their meetings, at any time when not required for the use of the local authority, any premises belonging to the authority.

(6) In the case of a county borough, the administrative scheme may provide for the appointment of sub-committees of the public assistance committee, consisting wholly or partly of members of the public assistance committee, and for the functions of any such sub-committee:

Provided that—

(*a*) a majority of the members of every sub-committee appointed under this subsection shall be members of the council; and

(*b*) where the scheme provides for the appointment as members of any such sub-committee of persons who are not members of the council, it shall provide for the inclusion of women as well as men, and regard shall be had to the desirability of including persons who are members of poor law authorities immediately before the appointed day and other persons of experience in the matters delegated or referred to the sub-committee.

Approval of schemes.

8.—(1) As soon as an administrative scheme has been submitted to the Minister, the council submitting the scheme shall publish in one or more newspapers circulating in their area a notice stating that the scheme has been so submitted and that a copy thereof is open to inspection at a specified place, and that representations thereon may be made to the Minister within four weeks after the publication of the notice, and in the case of a scheme submitted by a county council shall send a copy of the scheme to the council of each district wholly or partly within the county.

(2) No scheme so submitted to the Minister shall be of any effect unless and until it is approved by the Minister, and the Minister, after considering any representations with respect to the scheme which may be

submitted to him within four weeks after the publication of such notice as aforesaid by any local authorities and other parties who appear to him to be interested, and after consultation (if and so far as the scheme relates to education) with the Board of Education, may approve the scheme with or without modifications.

(3) If a council fail to submit to the Minister an administrative scheme within the time allowed for the purpose, the Minister may, after consultation with such local authorities as appear to him to be interested, and (if and so far as the scheme relates to education) with the Board of Education, himself make an administrative scheme, but before making such a scheme the Minister shall publish in one or more newspapers circulating in the area to which the scheme will relate a notice stating his intention to make the scheme, and that a copy of the draft scheme is open to inspection at a specified place and that representations thereon may be made to the Minister within four weeks after the publication of the notice, and shall consider any representations which may be submitted to him within that period, and any scheme so made shall have effect as if it were a scheme submitted by the council and approved by the Minister.

Miscellaneous Provisions.

Acquisition of land.

9. For the purposes of the functions transferred to them under this Part of this Act, a council shall have power to acquire, dispose of, or otherwise deal with land—

(*a*) in the case of a county council, in like manner as for the purposes of their other functions and subsection (3) of section sixty-four and section sixty-five of the Local Government Act, 1888, shall apply accordingly;

(*b*) in the case of a county borough council, in like manner as for the purposes of the Public Health Act, 1875, and sections one hundred and seventy-five to one hundred and seventy-eight of that Act shall apply accordingly.

Disqualifications.

10.—(1) A person shall, after the appointed day, be disqualified for becoming or being a member of the council of a county or county borough if he has within twelve months before becoming, or has since becoming,

PART I. —*cont.*

such a member received poor relief, except that he shall not be so disqualified by reason only that he or a member of his family has received medical or surgical treatment, or been an inmate of an institution for that purpose, or received relief which could have been granted under the Blind Persons Act, 1920, or been maintained in any place as a pauper lunatic :

Provided that a person who is at the date of the commencement of this Act a member of any such council and has received poor relief before that date, shall not be thereby disqualified for being such a member.

(2) A person shall be disqualified for being a member of a committee or sub-committee thereof constituted under an administrative scheme who would be disqualified for becoming or being a member of the council by which the committee is appointed, and a person who acts as a member of such a committee or sub-committee when disqualified shall be liable to the like penalties as if he had acted as a member of the council.

56 & 57 Vict. c. 73.

(3) Notwithstanding anything in section forty-six of the Local Government Act, 1894, a person shall not, on or after the appointed day, be disqualified for becoming or being a member of any local authority to which that section applies by reason that he or any member of his family has received poor relief, if by virtue of the provisions of this section the receipt of that relief would not disqualify him for becoming or being a member of a county or county borough council.

Amendment as to disqualification for pensions under 9 & 10 Geo. 5. c. 102, and 15 & 16 Geo. 5. c. 70.

11. On and after the appointed day a person who has become an inmate of any poor law institution for the purpose of obtaining medical or surgical treatment shall not, so long as he continues to require such treatment, be disqualified, on the ground only that he is such an inmate, for receiving or continuing to receive an old age pension under the Old Age Pensions Acts, 1908 to 1924, or under the Widows', Orphans' and Old Age Contributory Pensions Act, 1925, and accordingly subsection (1) of section three of the Old Age Pensions Act, 1919, and paragraph one of the Third Schedule to the Widows', Orphans' and Old Age Contributory Pensions Act, 1925, shall have effect as if the words " during a period of " three months from the date on which he becomes " such an inmate if he," were omitted therefrom, and

as if after the words "so long" there were inserted the words "as he." PART I. —*cont.*

Repeal of 5 Edw. 7. c. 18.

12. The Unemployed Workmen Act, 1905, shall, as from the appointed day, be repealed, but the Minister may, on such repeal taking effect, make such orders as were by section eight of that Act authorised to be made on the expiration of the period for which that Act as originally enacted was to continue in force, and any such order may provide for applying, subject to the necessary adaptations, to officers appointed under the said Act any of the provisions of this Act as to the transfer and compensation of officers.

Consultation as to the provision of hospital accommodation.

13. The council of every county and county borough shall, when making provision for hospital accommodation in discharge of the functions transferred to them under this Part of this Act, consult such committee or other body as they consider to represent both the governing bodies and the medical and surgical staffs of the voluntary hospitals providing services in or for the benefit of the county or county borough as to the accommodation to be provided and as to the purposes for which it is to be used.

Consequential amendments of certain Acts.

14.—(1) The Local Government Act, 1888, shall, as from the appointed day, have effect as if amongst the powers conferred by that Act on county councils (including the London County Council) there were included the like powers with respect to the provision of places for the reception of the sick as are conferred on local authorities by section one hundred and thirty-one of the Public Health Act, 1875, as amended by section sixty-four of the Public Health Act, 1925.

(2) Section one hundred and thirty-one of the Public Health Act, 1875, as so amended, shall in its application to county councils and county borough councils have effect as if the power to provide places for the reception of the sick included power to provide places for the reception of pregnant women.

(3) A committee appointed under the Public Health Act, 1875, by the council of a county borough for dealing with matters relating to public health, the committee appointed by the London County Council for similar purposes, and the public health and housing committee appointed by a county council under section

PART I. —*cont.*

seventy-one of the Housing, Town Planning &c., Act, 1909, may include members who are not members of the council by which the committee is appointed, so, however, that two-thirds at least of the members of the committee shall be members of the council; and any such committee may, subject to any directions of the council, appoint such and so many sub-committees, consisting either wholly or partly of members of the committee, as the committee thinks fit.

(4) So much of proviso (ii) to section thirty of the Mental Deficiency Act, 1913, as provides that local authorities under that Act shall not have any duties with respect to defectives who are for the time being provided for by poor law authorities shall as from the appointed day cease to have effect.

(5) A committee for the care of the mentally defective constituted under the Mental Deficiency Act, 1913, may, subject to any directions of the local authority under that Act, appoint such and so many sub-committees, consisting either wholly or partly of members of the committee, as the committee thinks fit.

Consequential alteration of constitution of assessment committees. 15 & 16 Geo. 5 c. 90.

15.—(1) For subsection (3) of section seventeen of the Rating and Valuation Act, 1925 (which relates to the constitution of assessment committees) the following subsection shall, as from the appointed day, be substituted—

"(3) In the case of an assessment area being a county borough, the assessment committee shall consist of such number of persons to be appointed by the council of the borough as may be determined by the council, but not less than one-third of the members of the committee shall be persons who are not members of the council, and if any member of the committee not being a member of the council becomes a member thereof, his term of office as a member of the committee shall thereupon expire."

(2) As from the appointed day, in subsection (4) of the said section seventeen the words "boards of guardians" shall be repealed, and any scheme under the said Act constituting an assessment area and determining the proportion in which the various authorities entitled to representation on the assessment committee for the area are to be represented thereon shall, subject to the provisions of any new or amending scheme, have effect as

if the references to the members of the committee representing boards of guardians were omitted therefrom.

(3) Notwithstanding anything in the foregoing provisions of this section, the following provisions shall have effect with respect to members of assessment committees holding office immediately before the appointed day:—

(*a*) a member appointed by, or on the nomination of, a board of guardians shall not vacate his office by reason of the dissolution of that board or of the fact that he himself ceases to be a guardian; and

(*b*) in the case of an assessment area being a county borough, a member of the assessment committee who is on the appointed day a member also of the council of the borough shall not vacate his office by reason of the fact that more than two-thirds of the members of the committee are members of the council, but after the appointed day no person being a member of the council shall be appointed to be a member of the committee if on his appointment the number of the members of the committee who are members of the council would exceed two-thirds of the total number of the committee.

Recovery of expenses.

16.—(1) As from the appointed day, it shall be the duty of the council of every county and county borough and of every other local authority to recover from any person who has been maintained by them in any institution, other than a person who has become an inmate of an institution for the purpose of receiving treatment for infectious disease, or from any person legally liable to maintain that person, the whole of the expenses incurred by the council or authority in the maintenance of that person, or, if the council or authority are satisfied that the persons from whom the expenses are recoverable cannot reasonably, having regard to their financial circumstances, be required to pay the whole of those expenses, such part, if any, of the expenses as they are in the opinion of the council or authority able to pay:

Provided that any such council or authority may, by agreement with the governing body of any association or fund established for the purpose of

PART I. —*cont.*

providing benefits to members or other beneficiaries thereof, accept from the association or fund, in respect of the expenses incurred by the council or authority in the maintenance of any member or beneficiary of the association or fund, payment of such sums as may be provided by the agreement, in lieu of recovering the whole or any part of the said expenses from the member or beneficiary, or from any person legally liable to maintain him.

(2) Any expenses recoverable under this section shall, without prejudice to any other remedy, be recoverable summarily as a civil debt.

(3) For the purposes of this section—

"Institution" means any hospital, maternity home or other residential institution accommodation wherein is provided by the council of a county or county borough or other local authority under the powers conferred by the Public Health Acts, 1875 to 1926, or the corresponding enactments relating to London, the Local Government Act, 1888, as amended by this Act, or the Maternity and Child Welfare Act, 1918.

The expenses incurred by the council or authority in providing for the maintenance of a person in an institution shall, in respect of each day of maintenance in the institution, be deemed to be a sum representing the average daily cost per patient of the maintenance of the institution and the staff thereof and the maintenance and treatment of the patients therein.

(4) Nothing in this section shall affect any right which a local authority may have under any enactment or otherwise to recover expenses other than those to which the foregoing provisions of this section apply.

Accounts and audit

17. Separate accounts shall be kept by the council of every county borough of their receipts and expenditure in respect of the functions (other than those specified in section two of this Act) transferred to them under this Part of this Act, and discharged by the council as such, and those accounts shall be made up and audited in like manner and subject to the same provisions as in the

case of a county council, and the enactments relating to the audit of the accounts of a county council and to all matters incidental thereto and consequential thereon, including penal provisions, shall apply in lieu of the provisions of the Municipal Corporations Act, 1882, relating to accounts and audit. 45 & 46 Vict. c. 50.

Application to London.

Application to London.

18. This Part of this Act shall apply to the county of London subject to the following modifications :—

(*a*) the provisions of subsections (2) and (3) of section six and section seven of this Act shall not apply :

(*b*) the administrative scheme may make provision for the reference or delegation by the London County Council to any committee of that council (including the public assistance committee) of any of the functions transferred to the council under this Part of this Act except the power of raising a rate or borrowing money :

(*c*) the administrative scheme may make provision for the appointment—

(i) of sub-committees of the public assistance committee (in this section referred to as "local committees") consisting wholly or partly of members of that committee; and

(ii) of sub-committees of local committees, consisting wholly or partly of members of the local committees;

for the functions of such local committees and for the discharge by the sub-committees thereof of any of the functions which, under the foregoing provisions of this Part of this Act, are to be discharged by guardians committees or sub-committees thereof :

(*d*) the London County Council may make arrangements with the common council of the City of London, or the council of any metropolitan borough, for the provision by the common council or metropolitan borough council under the Maternity and Child Welfare Act, 1918, of any assistance which could be provided either

PART I. —*cont.*

by way of poor relief or by virtue of that Act, and the provisions of this Part of this Act relating to arrangements between a county council and the council of a district for the provision of assistance under the Maternity and Child Welfare Act, 1918, shall apply accordingly:

54 & 55 Vict. c. 76. 39 & 40 Vict. c. 61.

(*e*) the functions of the Metropolitan Asylum Board under the Public Health (London) Act, 1891, and section forty-two of the Divided Parishes and Poor Law Amendment Act, 1876, shall, as from the appointed day, be transferred to the London County Council:

32 & 33 Vict. c. 67.

(*f*) as from the appointed day, any expenses of sanitary authorities in the county of London which under the Public Health (London) Act, 1891, are repayable out of the metropolitan common poor fund, shall be repaid by the London County Council, and any payments which under the Valuation (Metropolis) Act, 1869, are to be made from or to that fund shall be made from or to the county fund:

(*g*) the functions of boards of guardians in the county of London in respect of vaccination, and the officers employed in connection with those functions, shall as from the appointed day be transferred to the common council of the City of London and to the councils of the several metropolitan boroughs instead of to the London County Council, and the appropriate provisions of this Act with respect to the transfer of property and liabilities and the transfer, superannuation and compensation of officers shall apply subject to the necessary adaptations:

(*h*) as from the appointed day, the City of London (including the Inner Temple and the Middle Temple) and every metropolitan borough shall be an assessment area, and there shall be for every such area an assessment committee who shall have as regards valuation lists for each parish within their area the same functions as assessment committees had immediately before the appointed day with regard to valuation lists for the parishes in their areas.

PART I. —*cont.*

The assessment committee shall as from the appointed day consist of such number of persons appointed, in the case of the City of London by the common council, and in the case of a metropolitan borough by the council of the borough, being members of the council, as the council may think fit, together with, in the case of the assessment committee for a metropolitan borough, one person appointed by the London County Council; and the members of the said committees shall be appointed in every year in the month of November or December, and shall hold office until their successors are appointed, so, however, that the first such committee may be appointed at any time before the appointed day, but shall not continue in office after the month of December next following:

Provided that—

(i) no person who is a member of any committee to which the duties of a rating authority with respect to the preparation of a valuation list are referred or delegated shall be qualified for appointment as a member of the assessment committee;

(ii) the London County Council may appoint a person to act for all purposes as a member of the assessment committee in substitution for the person appointed by them as aforesaid at any time when that person is unable to act;

(iii) neither the person nor the substitute to be appointed as aforesaid by the London County Council shall be an officer of that council.

The quorum of the assessment committee shall be such number as the committee may determine, not being less than three.

No member of the assessment committee or person acting as such a member shall receive any remuneration or other like payment in respect of his services as such.

The town clerk, or in the City of London such other officer as the council may designate or

PART I. —*cont.*

appoint, shall be the clerk to the assessment committee:

(*i*) the functions transferred to the London County Council under this Part of this Act shall be exercisable throughout the county of London.

Application to local Act and Appointed Guardians.

Application to local Act guardians.

19.—(1) Where a board of guardians is a board constituted or acting under a local Act, the functions transferred to the council of the county or county borough under this Part of this Act shall be the functions of a board of guardians under the Poor Law Act, 1927, and not the functions of the board under the local Act.

(2) Where any property vested in a board of guardians constituted or acting under a local Act is held by them for charitable purposes, nothing in this Act shall transfer such property to the council of any county or county borough; but the Charity Commissioners may, in accordance with their ordinary jurisdiction under the Charitable Trusts Acts, 1853 to 1925, establish a scheme providing for the constitution of a body of trustees to administer the charitable property, and for the vesting or transfer of such property in or to the Official Trustee of Charity Lands, or the Official Trustees of Charitable Funds, as the case may require, or in or to the body of trustees so constituted, or any members thereof, as if the charity were a charity within the jurisdiction of the Commissioners under those Acts, but without the necessity of any application being made for the purpose.

Application to unions with appointed guardians. 16 & 17 Geo. 5. c. 20.

20.—(1) The provisions of this Act shall apply as respects any poor law union with respect to which an order under the Boards of Guardians (Default) Act, 1926, or section two hundred and twenty of the Poor Law Act, 1927, constituting an appointed board of guardians for the union is in force at the commencement of this Act, or is made thereafter, subject to the provisions of this section.

(2) The Minister may by order declare that as respects the whole or any part of any such union the provisions of this Part and Parts VII and VIII of this Act except such as may be specified in the order shall not come into operation until the first day of April, nineteen hundred and thirty-five; and where such an order is

made, then, as respects the poor law union or part thereof to which the order relates and subject to any exceptions contained in the order—

(*a*) the said first day of April shall be the appointed day for the purposes of this Part and Parts VII and VIII of this Act;

(*b*) the Poor Law Act, 1927, and any other enactment relating to the relief of the poor, shall, until the said first day of April, remain in full force and effect;

(*c*) the administrative scheme shall be prepared and submitted to the Minister between the thirty-first day of March and the thirty-first day of October, nineteen hundred and thirty-four.

(3) An order made under this section—

(*a*) may provide for the continuance in office till the said first day of April of the persons who are appointed guardians at the date of the order or of any persons who may from time to time be appointed in their place;

(*b*) may provide for making such adaptations in the provisions of this Act relating to grants, expenses, the transfer of property and liabilities, and the transfer, superannuation and compensation of officers, as may be necessary and may provide for applying to the appointed guardians with the necessary adaptations the provisions of this Act relating to the mitigation of the liability of councils for temporary loans;

(*c*) may authorise the appointed guardians to make arrangements with the council of any county, county borough or district for the provision by that council of any assistance which could be provided, either by the guardians or by the council;

(*d*) may provide that for the purposes of the provisions of this Part of this Act relating to combinations of councils for special purposes the appointed guardians shall be treated as if they were the council of a county or county borough.

(4) An order under this section shall be laid before Parliament as soon as may be after it is made.

PART II.

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES.

Transfer of functions under Registration Acts.

21.—(1) On the appointed day the functions of boards of guardians under the Registration Acts in relation to a registration district and to any sub-districts comprised therein shall—

(*a*) if the registration district is wholly comprised within one county or county borough, be transferred to the council of that county or county borough;

(*b*) if the registration district is not wholly comprised within one county or county borough, be transferred to the council of the county or county borough which is estimated by the Registrar-General to contain on the first day of January preceding the appointed day the larger or largest part of the population of the registration district;

and the functions so transferred are in this Part of this Act referred to as "transferred functions."

(2) Until such schemes as are hereinafter in this Part of this Act mentioned are made, nothing in this Act shall affect the area of any existing registration district or sub-district, without prejudice, however, to the exercise of the powers contained in the Registration Acts as to the alteration thereof:

Provided that, where as respects the part of a registration district comprised in a county or county borough the transferred functions in relation thereto are exercised by a council other than the council of that county or county borough, and in pursuance of such powers of alteration as aforesaid an order is made whereby that part is constituted a separate registration district, or is added to a registration district comprised in that county or county borough, the order shall provide for transferring to the council of that county or county borough the transferred functions in relation to that part of the registration district and to any sub-districts comprised in that part.

PART II. —*cont.* Conversion of registration officers into salaried officers.

22.—(1) On a vacancy occurring on or after the appointed day in the office of a registration officer, the office shall become a salaried office.

(2) On application for the purpose being made after the appointed day to the responsible council by a registration officer appointed before that day, the office which he holds shall, as from such date (not later than the beginning of the next financial year) as may be fixed by the council become a salaried office.

(3) Where the office of a registration officer becomes a salaried office—

(*a*) the officer holding the office shall be entitled to receive from the responsible council such salary or remuneration and office and other allowances as may be fixed, and shall hold office on such conditions as may be determined, under this section;

(*b*) every such officer shall, at such times and in such manner as may be prescribed, account to the Registrar-General for all fees and allowances received by or payable to him in respect of the execution of his duties under the Registration Acts, and upon the direction of the Registrar-General shall pay to the responsible council such sum as the Registrar-General may certify to be due to the council in respect of such fees and allowances;

(*c*) the fees payable under sections twenty-nine and thirty-four of the Births and Deaths Registration Act, 1836, as amended by any subsequent enactment shall cease to be payable in respect of the office. 6 & 7 Will. 4. c. 86.

(4) Subject to the approval of the Registrar-General, the council of any county or county borough may, as respects the salaried officers for whom the council are the responsible council, determine and from time to time vary—

(*a*) the salary or remuneration to be attached to any salaried office, and the allowances (if any) to be paid for travelling, the provision of office accommodation, and other expenses;

(*b*) the conditions on which any salaried office is to be held, including a requirement that an

PART II. —*cont.*

officer shall give such security as may be considered necessary to guard against any malfeasance or misappropriation of fees.

(5) In this and the next following section "the responsible council" means, as respects any registration officer, the council of the county or county borough by whom the transferred functions in relation to the registration district or sub-district for which the officer acts are discharged.

Power to increase statutory fees.

23.—(1) It shall be lawful for the Minister by order to increase any of the fees fixed by the Registration Acts to an extent not exceeding fifty per cent., and from time to time to vary the amount of the increase, subject to such limitation as aforesaid.

(2) Where such an order has been made, it shall be the duty of every officer who is not a salaried officer, at such times and in such manner as may be prescribed, to account to the Registrar-General for, and pay to the responsible council, so much of the fees received by or payable to him as the Registrar-General may certify to represent the increase effected by the order, subject to such deduction as the Registrar-General may allow as remuneration to him for the trouble and expense of collecting and accounting for such increased amounts.

(3) An order under this section shall be laid before Parliament as soon as may be after it is made.

Schemes for the administration of Registration Acts in counties and county boroughs.

24.—(1) Before the first day of April, nineteen hundred and thirty-two, or such later date as the Minister may allow, it shall be the duty of the council of every county and county borough to prepare and submit to the Minister a scheme for—

(*a*) the division into registration districts and sub-districts for the purposes of the Registration Acts of the whole of the county or county borough, including any portion of the county or county borough forming part of a registration district the transferred functions in relation to which are at the time of the making of the scheme discharged by the council of some other county or county borough;

(*b*) determining the number of superintendent registrars, registrars of births and deaths, and registrars of marriages, and other officers

required for the purposes of the Registration Acts within the county or county borough;

(*c*) determining the location of offices and stations in the various registration districts and sub-districts;

(*d*) conferring and imposing on registrars of births and deaths all or any of the functions of registrars of marriages;

(*e*) providing, where two or more officers are appointed to act for a single registration district or sub-district, for the distribution between them of the registration functions to be discharged within the registration district or sub-district; so, however, that such distribution shall not render any such officer disqualified from acting at any time or at any place in the registration district or sub-district as the case may be;

(*f*) fixing (subject to such power of revision as may be provided by the scheme) the salary and other remuneration (if any) to be attached to each office, and the allowances (if any) to be paid for travelling, the provision of office accommodation and other expenses;

(*g*) fixing (subject as aforesaid) the conditions on which an office is to be held, so, however, that nothing in the scheme shall affect the power of the Registrar-General to remove from office an officer in any case in which the Registrar-General is satisfied that the officer has been guilty of serious default in the performance of the duties imposed on him by the Registration Acts or any regulations made thereunder;

(*h*) applying with the necessary modifications and adaptations any of the provisions of this Act relating to the transfer, superannuation and compensation of officers.

(2) Every scheme under this section shall provide for conferring on the clerk of the county council or the town clerk of the county borough such general powers of supervising the administration within the county or county borough of the provisions of the Registration

PART II. —*cont.*

Acts as may be specified in the scheme, and in particular powers with respect to—

(*a*) the fixing of the hours of attendance of officers;

(*b*) the distribution of business between officers;

(*c*) the transfer of officers from one registration district or sub-district to another;

and section five of the Births and Deaths Registration Act, 1836, shall have effect as if amongst the officers with respect to whose duties under the Registration Acts regulations may be made under that section there were included clerks of county councils, town clerks, and such other officers as may be appointed under the scheme.

(3) Every scheme under this section shall fix the date or dates on which the scheme is to come into operation and may fix different dates for different provisions of the scheme or for different areas, and the dates so fixed may be made dependent on the happening of specified events.

(4) No scheme submitted to the Minister under this section shall be of any effect unless and until it is approved by the Minister and the Minister, after considering any representations with respect to the scheme which may be submitted to him by any officer affected, may approve the scheme with or without modifications.

(5) If a council fail to submit to the Minister a scheme under this section within the time mentioned in this section, the Registrar-General may, after consultation with the council, make a scheme for the purpose, and any scheme so made, if approved by the Minister, shall have effect as if it were a scheme submitted by the council and approved by the Minister.

(6) Where a scheme has been made and approved under this section, the Registration Acts shall have effect subject thereto.

Salary of Registrar-General.

25. The salary of the Registrar-General shall be such as may be determined by the Minister with the approval of the Treasury.

Amendment of law as to method

26.—(1) Any person required by the Registration Acts to give information concerning a birth may, within three months from the date of the birth, give the

Part II. —*cont.*

of giving information of birth or death.

information by making and signing in the presence of and delivering to such officer as may be prescribed a declaration in writing of the particulars required to be registered concerning the birth.

(2) The officer in whose presence the declaration is so made shall send the declaration to the registration officer whose duty it is to make the entry in the register, who shall in the prescribed manner enter the birth in the register.

(3) An entry so made shall be deemed for the purposes of the Registration Acts to have been signed by the person who signed the declaration, and a person making a declaration in pursuance of this section shall be deemed to comply with the provisions of the Registration Acts as to the giving of information concerning a birth, and with any requisition of the registration officer made under the Registration Acts to attend and give information concerning the birth.

37 & 38 Vict. c. 88.

(4) Section six of the Births and Deaths Registration Act, 1874, shall cease to have effect:

Provided that the fee fixed by that Act for the purposes of that section shall be deemed to be the fee fixed by the Registration Acts for the purposes of this section and shall be subject to be increased under this Act accordingly.

(5) The Minister or the Registrar-General with the consent of the Minister may by regulations extend this section subject to the necessary modifications to the registration of deaths and still births.

Application to London.

27. This Part of this Act shall apply to the county of London subject to the following modifications—

(*a*) the functions of boards of guardians under the Registration Acts shall be transferred to the common council of the City of London and to the councils of the several metropolitan boroughs and not to the London County Council;

(*b*) references to counties and county boroughs and the councils thereof shall be construed as references to the City of London and metropolitan boroughs and to the common council and the councils of metropolitan boroughs;

PART II. —*cont.*

(*c*) references to clerks of county councils and town clerks shall be construed as references to the town clerks of the City of London and metropolitan boroughs.

Construction and citation. 16 & 17 Geo. 5. c. 48.

28.—(1) The Births and Deaths Registration Act, 1926, shall be construed as one with the Births and Deaths Registration Acts, 1836 to 1901, and this Part of this Act, so far as it relates to the registration of births and deaths, shall be construed as one with the Births and Deaths Registration Acts, 1836 to 1926, and, so far as it relates to marriages shall be construed as one with the Marriage Acts, 1811 to 1898, and accordingly in this Part of this Act the expression "prescribed" shall mean prescribed by regulations made by the Minister, or by the Registrar-General with the approval of the Minister, under the Registration Acts.

(2) The Births and Deaths Registration Acts, 1836 to 1926, and this Part of this Act may be cited together as the Births and Deaths Registration Acts, 1836 to 1929, and the Marriage Acts, 1811 to 1898, and this Part of this Act may be cited together as the Marriage Acts, 1811 to 1929.

PART III.

ROADS AND TOWN PLANNING.

Roads.

County roads.

29.—(1) The council of every county shall be the highway authority as respects every road in the county which at the appointed day is a main road, or which would, apart from this section, at any time thereafter have become a main road, and every such road and every other road as respects which a county council become by virtue of this Part of this Act the highway authority, shall be termed a county road, and all enactments relating to main roads shall as from the appointed day have effect as if for references therein to main roads there were substituted references to county roads.

(2) The council of every county shall, in relation to county roads in the county (not being roads with respect to which an urban district council have claimed or are deemed to have claimed to exercise the functions of maintenance and repair) have the like functions as with respect to main roads and all roads in relation to which

they have those functions and the materials thereof and all drains belonging thereto shall vest in the county council, and where any other drain or any sewer is used for any purpose in connection with the drainage of any such road, the county council shall continue to have the right of using the drain or sewer for such purpose.

(3) If any difference arises between the county council and any district council as respects the council in whom a drain is vested, or as to the use of any drain or sewer, the difference shall, if either council so require, be determined by the Minister.

(4) As from the appointed day, the council of every county shall exercise the functions of maintenance, repair and improvement of, or other dealing with, every bridge in the county repairable by the inhabitants at large which carries a county road, and section one hundred and nineteen of the Municipal Corporations Act, 1882 (which relates to the maintenance of borough bridges), shall cease to have effect as respects any bridge which carries a county road, and notwithstanding anything in subsection (2) of section thirty-five of the Local Government Act, 1888, no borough shall be exempt from contributing towards the costs incurred by a county council for the purpose of the maintenance, repair and improvement of, or other dealing with, bridges.

Transfer to county councils of functions with respect to highways in rural districts.

30.—(1) As from the appointed day, every county council shall be the highway authority as respects such part of the county as is for the time being comprised in any rural district and as respects the highways therein, and as such shall have all such functions under the Highway Acts, 1835 to 1885, as were exercisable by rural district councils who by virtue of the Local Government Act, 1894, became successors of highway boards, and rural district councils shall cease to be highway authorities :

Provided that nothing in this section shall affect the functions of rural district councils under the Local Government Act, 1894, as respects rights of way and encroachments on roadside wastes, or any functions not being functions with respect to highways exercisable at the appointed day by rural district councils as successors to surveyors of highways or highway boards.

PART III. —*cont.*

(2) As from the appointed day, a county council shall with respect to such part of the county as is for the time being comprised in any rural district have the functions of an urban district council or a local authority under the enactments mentioned in the first column of Parts I and II of the First Schedule to this Act, as amended by any subsequent enactment, subject however to such modifications as are mentioned in the second column of that Schedule; and those enactments shall apply accordingly.

(3) Functions under section one hundred and fifty of the Public Health Act, 1875, and under the enactments mentioned in the first column of Part I of the First Schedule to this Act shall as from the appointed day cease to be exercisable by rural district councils, and any rural district council who for the time being are invested with functions under any of the enactments mentioned in the first column of Part II of that Schedule shall not be entitled to exercise those functions except with the consent of the county council.

(4) Nothing in this section shall affect the right of any rural district council having such power to exercise the power of making byelaws under section one hundred and fifty-seven of the Public Health Act, 1875, with respect to the level, width and construction of new streets:

Provided that a rural district council before making any such byelaws shall consult with the county council, and if a rural district council do not within six months after a notice from the county council requiring them to do so exercise the power of making such byelaws, the county council may themselves exercise the power.

Transfer of classified roads in urban districts to county council.

31.—(1) As from the appointed day, the county council shall be the highway authority as respects all classified roads which, immediately before the appointed day, were vested in the councils of urban districts within the county.

(2) When after the appointed day any road vested in an urban district council becomes a classified road, the county council shall thereupon become the highway authority as respects that road.

(3) It shall not be lawful for the Minister of Transport on or after the appointed day to make an order

declaring that a road which is for the time being a classified road has ceased to be a county road. PART III. —*cont.*

(4) Section four of the Highways and Bridges Act, 1891, shall as from the appointed day cease to have effect so far as it provides that no order declaring that a county road within a municipal borough has ceased to be a county road and has become an ordinary road shall be made without the consent of the council of the borough having been first obtained; but before any such order is made by the Minister of Transport he shall consider any representation which the council of the borough may make with reference thereto and shall, if so requested by the council of the borough, hold a local inquiry. 54 & 55 Vict. c. 63.

(5) As from the appointed day, a county council shall, with respect to county roads, and roads which, when constructed, are intended to become county roads (not being roads with respect to which an urban district council have claimed or are deemed to have claimed to exercise the functions of maintenance and repair), have within an urban district in the county the functions of an urban district council or a local authority under the enactments mentioned in the first column of Parts III, IV and V of the First Schedule to this Act, as amended by any subsequent enactment, subject, however, to such modifications as are mentioned in the second column of that Schedule; and those enactments shall apply accordingly.

As respects such roads as aforesaid, functions under the enactments mentioned in the first column of Part III of the said Schedule shall, as from the appointed day, cease to be exercisable by an urban district council, and functions under the enactments mentioned in the first column of Parts IV and V of the said Schedule shall, as from the appointed day, be exercisable by the urban district council as well as by the county council; but as respects the functions mentioned in the first column of Part V of that Schedule, only with the consent of the county council.

(6) Where after the appointed day any area, being or forming part of a rural district, is by a provisional or other order constituted an urban district, the order may provide that any unclassified roads within that area shall continue to be county roads and where the order contains such a provision as respects any roads the order

PART III. —*cont.*

may provide for contributions being made by the urban district council to the county council towards the cost of the maintenance and repair of those roads of such amounts as may be agreed between the councils or, in default of agreement, determined by the Minister of Transport.

Rights of certain urban district councils to maintain county roads.

32.—(1) Where an urban district has a population exceeding twenty thousand, the urban district council may claim to exercise the functions of maintenance and repair of any county road within their district, and if a claim is made within the time hereinafter limited, then, as from such date as is hereinafter mentioned, the urban district council shall be entitled to exercise those functions, and the road shall vest in that council, and for the purpose of the maintenance, repair and improvement of, and other dealing with, any such road, that council shall have the same functions as if they were as respects that road the highway authority and the road were an ordinary road vested in them.

(2) Such claim as aforesaid must be made—

(*a*) in the case where the population of the urban district exceeds twenty thousand at the appointed day and the road is a road which will by virtue of the foregoing provisions of this Part of this Act become a county road on the appointed day, before the appointed day;

(*b*) in the case where the population of the urban district is found by the Registrar General's preliminary report on any census subsequent to the appointed day to exceed for the first time twenty thousand and the road is a county road at the date of the publication of the report, within twelve months after that date;

(*c*) in the case of any enactment adding an area to an existing urban district of which the population exceeds twenty thousand, within twelve months after the date when the enactment takes effect;

(*d*) in the case of any enactment constituting a new urban district or adding an area to an existing urban district, in consequence whereof the urban district becomes an urban

district of which the population exceeds twenty thousand, within twelve months after the date when the enactment takes effect; PART III. —*cont.*

(*e*) in the case of any road which becomes a county road after the appointed day, or after the date mentioned in any of the last three foregoing paragraphs, as the case may require, within twelve months after the date when it so becomes a county road.

(3) The date as from which the right of maintenance and repair shall be exercisable shall—

(*a*) where the claim is made before the appointed day, be the appointed day;

(*b*) in any other case be the first day of April in the year following the calendar year in which the claim is made:

Provided that as respects any county roads which—

(*a*) may be declared by the Minister of Transport to be roads towards the construction or improvement of which by the county council advances have been made under the Development and Road Improvement Funds Act, 1909, as amended by any subsequent enactment, and to be roads the maintenance and repair of which should, having regard to the best means of promoting economy and efficiency in highway administration, remain vested in the county council; or 9 Edw. 7. c. 47.

(*b*) being situate in a county within which at the commencement of this Act there was in force a local Act empowering urban district councils to relinquish any functions of maintenance and repair retained by them in pursuance of a claim made under subsection (2) of section eleven of the Local Government Act, 1888, are roads as respects which the urban district council were not exercising the functions of maintenance and repair at the commencement of this Act;

the date as from which the right of maintenance and repair claimed under this section shall be exercisable shall be deferred until such date as the Minister of Transport may by order determine, and every such order shall

PART III. —*cont.*

be laid before Parliament as soon as may be after it is made.

(4) Any urban district council for the time being so responsible for the maintenance and repair of any county road within their district may at any time, with the consent of the county council, relinquish their functions as regards the maintenance and repair of the county road, and as from the first day of April next after the date of relinquishment the county road and the functions of maintaining and repairing it shall vest in the county council in like manner as if the urban district council had made no claim under subsection (1) of this section.

In the event of the county council withholding consent under this subsection, the urban district council may appeal to the Minister of Transport, who may make such order thereon as he thinks fit, and the order shall be binding on the county council and the urban district council.

(5) Where at the appointed day any urban district council are in pursuance of subsection (2) of section eleven of the Local Government Act, 1888, exercising the functions of maintaining and repairing any main road, then—

(*a*) if the population of the urban district exceeds twenty thousand at the appointed day the council thereof shall be deemed to have duly made a claim under this section as respects the road, unless before the appointed day they give to the county council notice in writing to the contrary;

(*b*) in any other case the right of the urban district council to maintain and repair the road shall as from the appointed day determine, and the road and the functions of maintaining and repairing it shall vest in the county council.

(6) For the purposes of this section—

(*a*) the expression "road" does not include county bridges; and

(*b*) the population of an urban district shall, subject as hereinafter provided, be ascertained according to the last census for the time being:

Provided that the population of an urban district at the appointed day shall be taken to be the estimated population of that district for the year nineteen hundred and twenty-eight.

PART III. —*cont.*

Contributions by county councils to county roads maintained by urban district councils.

33.—(1) Where an urban district council are in pursuance of the last foregoing section of this Act responsible for the maintenance and repair of a county road within their district, the county council shall—

(*a*) make annual payments (by quarterly instalments) towards the cost of the maintenance and repair of the road and any reasonable improvement connected with the maintenance and repair thereof, of such amount as may be determined in manner hereinafter provided; and

(*b*) contribute towards the expenses of any improvement of the road, not being expenses in connection with the maintenance and repair of the road, in any such case and to such extent, if any, as, failing agreement between the urban district council and the county council, may be determined by the Minister of Transport; and the Minister of Transport in making his determination shall have regard to the extent to which the improvement is required for the purposes of through traffic and local traffic respectively, and to the extent to which the improvement is of the nature of a town improvement.

(2) Every urban district council so responsible for the maintenance and repair of a county road shall, on or before the fifteenth day of December in each year, submit to the county council for their approval (which shall not be unreasonably withheld) a detailed estimate of the cost of maintenance and repair and reasonable improvement connected with the maintenance and repair of the road for the ensuing financial year, and on such estimate being so approved, either with or without modifications, the amount to be paid by the county council under the last foregoing subsection in respect of such maintenance, repair and improvement shall be the amount of that estimate, or of that estimate as amended by any supplementary estimate submitted and approved as hereinafter provided, or such less sum as may have been actually expended thereon by the urban district council during the said financial year:

Provided that in no case shall a county council be liable to make a payment towards such costs until they are satisfied by a report of their surveyor or such other person as they may appoint for the purpose that the

PART III. —*cont.*

works of maintenance, repair or improvement are being or have been properly executed.

(3) The urban district council may at any time and from time to time submit a detailed supplementary estimate for the approval of the county council, which approval shall not be unreasonably withheld.

(4) Any question whether the approval of the county council has been unreasonably withheld, or whether any works of maintenance, repair or improvement are being or have been properly executed, or as to the liability of a county council to make a payment under this section shall be determined by the Minister of Transport.

Agreements between county councils and urban district councils with respect to unclassified roads.

34. As from the appointed day, a county council may by agreement with the council of any urban district within the county undertake, in consideration of such payments as may be agreed, the maintenance, repair and improvement of any unclassified road within the urban district, and any road with respect to which such an agreement is for the time being in force shall be vested in the county council, and that council and the urban district council, respectively, shall have in regard to it the same functions as they would have if it were a county road.

Delegation of road functions by county councils to district councils.

35.—(1) The council of any district wholly or partly within a county may within three months after the commencement of this Act apply to the county council for the delegation to them as from the appointed day of the functions of the county council with respect to the maintenance, repair and improvement of, and other dealing with—

(*a*) the whole of the unclassified roads, exclusive of county bridges, within the district or such part of the district as is within the county;

(*b*) all or any of the classified roads, exclusive of county bridges, within the district or such part of the district as is within the county;

(*c*) all or any of the county bridges within the district or such part of the district as is within the county.

(2) In so far as the application is in respect of unclassified roads, the county council shall grant the application unless they are satisfied that having regard to the best means of promoting economy and efficiency

in highway administration throughout the county and to the particular circumstances of the district in respect of which the application is made the application ought not to be granted.

(3) In so far as the application is in respect of classified roads or county bridges, the county council shall have unfettered discretion whether or not to grant the application.

(4) Before the first day of October, nineteen hundred and twenty-nine, every county council shall prepare and submit to the Minister of Transport a statement specifying the applications made under this section and the council's decisions thereon, and in any case in which an application for the delegation of functions in respect of unclassified roads has been refused, the grounds on which the refusal was based and shall send to the council of every district who have made application under this section a copy of so much of the statement as affects the district, and the council of any district whose application for the delegation of functions relating to unclassified roads has not been granted by the county council may within one month after the receipt of such copy, or, if the county council have failed to comply with the provisions of this subsection, before the first day of November, nineteen hundred and twenty-nine, appeal to the Minister of Transport, who, if satisfied that the application should have been granted, may by order direct the county council to grant the application, and the county council shall comply with any direction so given.

(5) After the appointed day the council of any district wholly or partly within a county to whom any such functions as are mentioned in subsection (1) of this section are not for the time being delegated may apply to the county council for the delegation of those functions, and in the event of the county council refusing or failing within three months to grant the application so far as it relates to unclassified roads, the district council may within one month of such refusal or failure appeal to the Minister of Transport, who, if satisfied that the application should have been granted, may by order direct the county council to grant the application so far as it relates to unclassified roads; and the county council shall comply with any direction so given:

PART III. —*cont.*

Provided that an application under this subsection shall not, without the consent of the Minister of Transport, be made except in the year nineteen hundred and thirty-four, the year nineteen hundred and thirty-nine or any succeeding year being the fifth year after the last year in which such an application might have been made.

(6) The council of any district wholly or partly within a county to whom any functions have been delegated under this section may, by giving notice in writing to the county council, relinquish those functions.

(7) The county council by whom any functions have been delegated to a district council under this section may, by giving notice in writing to the district council, determine the delegation:

Provided that, if and so far as the notice relates to unclassified roads, the district council shall be entitled within one month after receiving the notice, to appeal to the Minister of Transport who, if satisfied that the delegation of functions as respects unclassified roads should not be determined, may by order cancel the notice given by the county council.

(8) An application for the delegation of functions and a notice of the relinquishment of the delegation of functions or of the determination of the delegation of functions under the three last foregoing subsections of this section must be made before the first day of October in any year, and the delegation, relinquishment or determination shall take effect as from the first day of April in the next following year.

Conditions and effect of delegation of functions.

36.—(1) Where in pursuance of the last foregoing section functions are delegated to a district council, the district council, in the discharge of those functions, shall act as agents for the county council, and it shall be a condition of any such delegation—

(*a*) that the works to be executed and the expenditure to be incurred by the district council in the discharge of those functions shall be subject to the approval of the county council; and

(*b*) that the district council shall comply with any requirement of the county council as to the manner in which and the persons by whom any works are to be carried out and with any

general directions of the county council as to the terms of contracts to be entered into for such purposes; and

(*c*) that the works shall be completed to the satisfaction of the county council;

and if at any time the county council are satisfied on the report of their surveyor or other person appointed for the purpose that any portion of a road with respect to which functions are so delegated is not in proper repair and condition, the county council may cause notice to be given to the district council requiring them to place the road in proper repair and condition, and if such notice is not complied with within a reasonable time, the county council may do anything that seems to them necessary to place the road in proper repair and condition.

(2) Where in pursuance of the foregoing section functions are delegated to a district council, then, so long as the delegation is in force, the district council shall discharge as agents for the county council the functions of the county council within the district under the enactments mentioned in Part I or Part III of the First Schedule to this Act, as the case may require, except so far as those functions relate to roads with respect to which functions are not delegated to the district council:

Provided that—

(*a*) the county council may impose on the district council such conditions as they think fit with respect to any action to be taken by the district council in the discharge of such functions as aforesaid, and with respect to any work being completed to their satisfaction;

(*b*) if for the purpose of making any contribution towards the cost of private street works or for any other purpose in connection with such functions as aforesaid the district council desire to incur expenditure which in the opinion of the county council would not be properly chargeable as general county expenses, the district council shall have the same powers of raising money for the purposes of any such expenditure as they would have had if the functions under the said enactments had been directly vested in them;

PART III. —*cont.*
55 & 56 Vict. c. 57.

(*c*) the surveyor of the district council shall be the surveyor for the purposes of the Private Street Works Act, 1892.

Amendment of law with respect to declaring roads to be county roads.
41 & 42 Vict. c. 77.

37.—(1) The grounds on which an application by an urban district council can be made under section fifteen of the Highways and Locomotives (Amendment) Act, 1878, for an order declaring a road to be a county road shall include the ground that the road is a road situate in a part of the urban district which is of a rural character.

(2) If on an application made under section fifteen of the said Act a county council refuse to make an order declaring the highway which is the subject of the application to be a county road, or fail for a period of six months after the application to make such an order, or if, having made such an order, the county council refuse or fail to confirm the order within six months of the making thereof, the applicant authority may appeal to the Minister of Transport who may, after considering any representations made by the county council, and, if the council so require, after holding a local inquiry, make an order declaring the highway to be a county road.

(3) An order of the Minister of Transport under this section shall have effect as if it were an order made and confirmed by the county council under the said section fifteen, and shall come into operation on such date as may be fixed by the order.

Saving as to highways repairable by persons other than highway authorities.
5 & 6 Will. 4. c. 50.

38.—(1) Nothing in this Act with respect to main roads or county roads shall affect the liability of any person or body of persons to maintain and repair any highway or part of a highway not repairable by the inhabitants at large, or, subject as hereinafter provided, affect any exemption from a highway rate granted under section thirty-three of the Highway Act, 1835, or under any other enactment, as continued by any scheme in force under section sixty-four of the Rating and Valuation Act, 1925:

Provided that for the purpose of securing the continued operation of any such exemption as aforesaid—

(*a*) the council of every county in which any such exemption is in force shall submit to the Minister

PART III. —*cont.*

a scheme making provision for the purpose aforesaid; and

(*b*) the provisions contained or incorporated in paragraphs (*b*), (*c*) and (*d*) of subsection (2) of the said section sixty-four and in the proviso to such subsection with respect to the making, approval and effect of schemes to be made thereunder shall apply to schemes to be made under this section with the substitution of references to county councils for references to rating authorities.

(2) For the purposes of this section, the expression "highway" includes any bridge carrying the highway.

Application of 38 & 39 Vict. c. 55. s. 308 in certain cases.

39.—(1) In any case in which a public utility undertaking sustains damage by reason of the exercise by a county council, in relation to any road vested in them by virtue of this Part of this Act, of functions which before the road was so vested were only exercise-able in relation thereto by district councils under the powers of the Public Health Act, 1875, section three hundred and eight of that Act (which relates to compensation) shall apply as if for the reference therein to a local authority there were substituted a reference to the county council, and as if the functions had been exercised under the powers of that Act.

(2) In this section "public utility undertaking" means any company or authority which carries on a gas, water, hydraulic power, electricity, tramway, light railway or trolley vehicle undertaking, and the expression "trolley vehicle" has the same meaning as in the Road Transport Lighting Act, 1927.

17 & 18 Geo. 5. c. 37.

Town Planning.

Power of county councils to act jointly with other local authorities in preparation or adoption of a town planning scheme. 15 Geo. 5. c. 16.

40.—(1) Where after the appointed day the council of a county and any local authority or local authorities under the Town Planning Act, 1925, are desirous of acting jointly in the preparation or adoption of a town planning scheme, they shall be entitled to do so, and the council and the local authority or authorities may concur in appointing out of their respective bodies a joint committee for the purpose, and in conferring, with or without restrictions, on such a joint committee any powers which the local authority or local authorities might exercise for the purpose.

PART III. —*cont.*

(2) Where a joint committee of two or more local authorities has been constituted under proviso (ii) to subsection (1) of section two of the Town Planning Act, 1925, or under any corresponding enactment repealed by that Act, and at any time after the appointed day the council of the county of which the district of any of the local authorities forms part are desirous of being represented on the committee, they shall be entitled to appoint such number of members of the committee on such terms as may be agreed with the local authorities or, failing agreement, as may be determined by the Minister; but neither the identity of the committee, nor the validity of any previous proceedings of the committee, shall be thereby affected.

(3) The provisions of sections fifty-seven and fifty-eight of the Local Government Act, 1894, with regard to joint committees shall, with the necessary modifications, apply to any joint committee appointed under this section as if county councils were included amongst the councils in those sections mentioned; subject, however, to this modification, that any difference as to the proportions in which costs incurred by a joint committee are to be defrayed by the councils by whom it is appointed shall be determined by the Minister.

(4) This section shall extend to the county of London.

Power to combine councils for the purposes of town planning schemes.

41.—(1) Where it appears to the Minister that it is expedient that two or more local authorities (including county councils) should be combined for purposes connected with the preparation or adoption of a town planning scheme, it shall be lawful for the Minister, by order, to provide for the constitution of a joint committee for the purpose, and to confer on such a joint committee any powers which a local authority under the Town Planning Act, 1925, might exercise in relation to the preparation or adoption of a town planning scheme:

Provided that the Minister, before making such an order, shall hold a local inquiry unless all the local authorities whom it is proposed to combine, assent.

(2) The order may provide for the apportionment of the representation on the committee to the several authorities, as to the functions of the joint committee, and as to their expenses.

PART III. —*cont.*

(3) The order may, where necessary for the purposes of the order, provide for the dissolution of any joint committee which may have been constituted under proviso (ii) to subsection (1) of section two of the Town Planning Act, 1925, or under any corresponding enactment repealed by that Act.

Power to constitute county council responsible authority.

42.—(1) A town planning scheme may provide for the county council being after the appointed day the authority responsible for enforcing the observance of any of the provisions of the scheme, or for the execution of any works which under the scheme or the Town Planning Act, 1925, are to be executed by a local authority.

(2) Where a town planning scheme has been approved by the Minister before the appointed day, and under the scheme a rural district council are the responsible authority as regards any functions exercisable under the scheme which relate to roads, streets, or building lines, the county council shall as from the appointed day become the responsible authority as regards those functions in place of the rural district council:

Provided that the Minister may by order provide for excepting from the functions so to be transferred to the county council such functions as he thinks fit, or for the discharge, subject to such conditions as may be imposed by the order, by the rural district council on behalf of the county council of any of the functions transferred to the county council under this subsection.

Power of district councils to relinquish functions to county council.

43. The council of any district wholly or partly within any county may at any time after the appointed day by agreement with the council of the county relinquish in favour of the council of the county any of their functions under the Town Planning Act, 1925, or any scheme made thereunder, upon such terms and subject to such conditions (if any) as may be specified in the agreement, and the relinquishment may be made either for a specified term, or pending the rescission or variation of the agreement, and the agreement may apply with such modifications and adaptations, if any, as may be agreed, any of the provisions of this Act relating to the transfer of property and liabilities and the transfer, superannuation and compensation of officers.

A copy of an agreement made under this section shall forthwith be sent to the Minister.

PART III. —*cont.*

Amendment of 15 Geo. 5. c. 16. s. 3.

44. Section three of the Town Planning Act, 1925 (which required the councils of certain boroughs and urban districts to prepare town planning schemes before the first day of January, nineteen hundred and twenty-nine) shall have effect as if for that date there were substituted the first day of January, nineteen hundred and thirty-four, or such later date before the thirty-first day of December, nineteen hundred and thirty-eight, as the Minister may in any case allow.

Extent of Part III.

45. Save as therein otherwise expressly provided, this Part of this Act shall not extend to the county of London.

PART IV.

MISCELLANEOUS LOCAL GOVERNMENT PROVISIONS.

Rearrangement of County Districts.

First general review of districts by county councils.

46.—(1) The council of every county shall as soon as may be after the commencement of this Act, after conferences with representatives of the councils of the several districts wholly or partly within the county, review the circumstances of all such districts and consider whether it is desirable to effect any of the following changes :—

(*a*) any alteration or definition of the boundaries of any such district or of any parish;

(*b*) the union of any such district or parish with another such district or parish;

(*c*) the transfer of any part of such district or parish to another district or parish;

(*d*) the conversion of any such district or any part thereof, if it is a rural district, into an urban district, or if it is an urban district, into or so as to form part of a rural district;

(*e*) the formation of any new district or parish;

and shall forthwith after the review is completed as respects the whole or any part of the county, and before the first day of April, nineteen hundred and thirty-two, or such later date as the Minister may in any case allow, send to the Minister a report of the review, together with proposals as to the changes, if any, which they consider desirable :

PART IV. —*cont.*

Provided that, before making any such proposals the county council shall consult with the councils of the county boroughs adjoining the county, and the Minister shall give those councils an opportunity of laying before him their views on the proposals made by the county council.

(2) The proposals may include proposals for the transfer of a part of a non-county borough to another district, or of another district or part of another district to a non-county borough, and, if the council of the county borough concerned agree, for an alteration of boundaries between a county borough and the county and any district therein; but, save as aforesaid, the proposals shall not affect any borough.

(3) As soon as any such proposals are made to the Minister, the council making the proposals shall send copies thereof to the councils of the several districts affected thereby and shall publish in one or more newspapers circulating in those districts a notice stating that proposals have been made and that a copy thereof is open to inspection at a specified place, and that representations with respect thereto may be made to the Minister within six weeks after the publication of the notice.

(4) The Minister shall consider the proposals and any representations with respect to the proposals, or any of them, which may have been made by any local authorities (including parish councils and parish meetings) or any local government electors affected thereby, and either may make an order giving effect to the proposals, or any of them, with or without modifications, or may refuse to make such an order:

Provided that, if an objection with respect to any proposal is made by a local authority affected thereby, and is not withdrawn, the Minister shall not make an order giving effect to the proposal without first holding a local inquiry into the objection.

(5) If, either on representations made by a district council or otherwise it appears to the Minister, after consultation with such authorities as appear to him to be interested, that there is a primâ facie case for making any such change as aforesaid, and that the county council have failed to make a proposal for the purpose within the time allowed, the Minister shall publish in

PART IV. —*cont.*

one or more newspapers circulating in the districts affected a notice stating that he proposes to make the change, and that a copy of his proposals is open to inspection at a specified place, and that representations with respect thereto may be made to him within six weeks after the publication of the notice; and the Minister after considering any representations which may be made within that period, and, if any objections are made by any local authority and are not withdrawn, after holding a local inquiry with respect to the proposals to which the objections relate, may make an order effecting the change or such modified change as appears to him to be expedient.

(6) If it appears to the Minister that the council of a county have within three years before the commencement of this Act undertaken a general review of the circumstances of districts within the county, the Minister may direct that such review, whether completed before or after the commencement of this Act, shall for the purposes of this Part of this Act be treated as a review for which provision is made under subsection (1) of this section.

(7) An order under this section shall be laid before Parliament as soon as may be after it is made.

Subsequent periodical reviews.

47.—(1) A county council may subsequently whenever they think it desirable, and shall if so required by the Minister, review generally the circumstances of the districts within the county, so, however, that the interval between the original review and the first review under this section, or between any two reviews under this section, shall in no case be less than ten years.

(2) The provisions of the last foregoing section shall apply to every review under this section with such modifications as are necessary, and with this modification that if within four weeks after the making by the Minister of an order under this section objection thereto is made by the council of a borough to which the order relates and is not withdrawn, the order of the Minister shall be provisional only and shall not have effect unless and until confirmed by Parliament.

Saving of powers under and

48.—(1) Nothing in this Part of this Act shall affect the power of making orders under section fifty-four or section fifty-seven of the Local Government Act, 1888,

but the said section fifty-seven shall have effect subject to the following amendments :— PART IV. —*cont.* amendments of s. 57 of 51 & 52 Vict. c. 41.

(*a*) it shall be lawful for a county council to make an order under the section without a proposal having been made to the council :

(*b*) the county council on making, and the Minister on confirming, an order may make such modifications in the original proposals or the order as the county council or Minister think fit; but before any such modifications are made, notice of the intention to make them shall be given to all local authorities concerned, and such local authorities shall be given an opportunity of making representations thereon :

(*c*) it shall be lawful for the Minister either to modify or to refuse to confirm an order under the section whether or not a petition against the order has been presented, but before doing so the Minister shall, if so requested by the county council or the council or parish meeting, if any, by whom the proposals were made, cause a local inquiry to be held :

(*d*) if a proposal under the section has been made by the council of a district or parish, or by a parish meeting, and the county council refuse or neglect to hold a local inquiry or to make an order under the section, the council or meeting which made the proposal may apply to the Minister, and the Minister may, after giving the county council an opportunity of making representations, hold a local inquiry, or make any such order as the county council might have made, as the case may be.

(2) The said section fifty-seven shall in its application to county borough councils have effect subject to the amendments effected by this section so far as applicable, and as if for references to county councils there were therein substituted references to county borough councils.

(3) This section so far as it amends the said section fifty-seven shall extend to the county of London.

PART IV. —*cont.*

Adjustment of boundaries of counties and county boroughs.

49.—(1) Where at the commencement of this Act any district or parish is not wholly comprised within one county, or where a part of a county is wholly detached therefrom, the county councils concerned shall as soon as may be take the case into consideration, and if as a result of such consideration a joint representation is made to the Minister by those councils, the Minister may, after holding a local inquiry, except in cases where he is satisfied that an inquiry is unnecessary, by order make such alteration of the counties as may be necessary to secure that the whole of the district or parish shall be within a single county, or to provide that such detached part shall be included in or divided amongst the county or counties surrounding it.

(2) The Minister may, on a joint representation being made by the council of a county and the council of a county borough, after holding a local inquiry, except in cases where he is satisfied that an inquiry is unnecessary, by order alter or define the boundary between the county and the county borough.

(3) An order under this section shall be laid before Parliament as soon as may be after it is made.

Review of Electoral Divisions.

Review by county councils of electoral divisions.

50.—(1) The council of every county, as soon as may be after completing the first general review of the circumstances of districts wholly or partly within the county made or treated as having been made by them under this Part of this Act, shall review the electoral divisions of the county and shall consider whether any alteration of the boundary of any such division, or of the number of county councillors and electoral divisions in the county, is desirable, and shall forthwith, after the review is completed and before the first day of January, nineteen hundred and thirty-three, or such later date as the Secretary of State may in any case allow, send to the Secretary of State a report of the review, together with proposals as to the alterations (if any) which they consider desirable, and any such proposals shall have effect as if they had been a representation made to the Secretary of State under section fifty-four of the Local Government Act, 1888:

Provided that, if in the case of any county the Secretary of State is satisfied after considering such representations, if any, as may be made by local authorities in the county, that it is unnecessary to make any such review as aforesaid, he may direct that this section shall not apply as respects that county. PART IV. —*cont.*

(2) If either on representations made by a local authority or otherwise it appears to the Secretary of State, after consultation with such authorities as appear to him to be interested, that there is a primâ facie case for making any such alteration as aforesaid and that the county council have failed to make a proposal for the purpose within the time allowed, the Secretary of State shall publish in one or more newspapers circulating in the county a notice that he proposes to make the alteration, and that a copy of his proposals is open to inspection at a specified place, and that representations with respect thereto may be made to him within six weeks after the publication of the notice, and the Secretary of State, after considering any representations which may be made within that period, and if any objections are made by any local authority and are not withdrawn, after holding a local inquiry with respect to the proposals to which the objections relate, may make an order effecting the alteration or such modified alteration as appears to him to be expedient.

(3) An order made under this section shall be laid before Parliament as soon as may be after it is made.

Miscellaneous.

Reports and returns.

51.—(1) The council of any county or county borough, or of any district, and the common council of the City of London and the council of any metropolitan borough and any joint committee or joint board appointed jointly by two or more such councils as aforesaid shall make to the Minister such reports and returns and give him such information with respect to their functions as he may require.

(2) This section shall extend to the county of London.

Travelling expenses.

52.—(1) As from the appointed day it shall, subject to the provisions of this section, be lawful for the council of any county to defray any expenses necessarily incurred

PART IV. —*cont.*

by members of the council or of any committee thereof to which this section applies in travelling to and from meetings of the council or committee or in travelling by direction of the council or committee for the purpose of carrying out any inspection necessary for the discharge of the functions of the council or committee.

(2) No expenses which a county council have, apart from this section, power to defray shall be defrayed under this section, and this section shall not affect any such power.

(3) No expenditure by a county council under this section shall be taken into account for the purpose of determining the amount of any sum payable to the council out of moneys provided by Parliament.

(4) This section shall apply to any committee of a county council appointed for the discharge of functions throughout the whole area for which the county council is charged with those functions, and shall also apply to any sub-committee or joint committee so appointed as if it were a committee of the council.

(5) In this section the expression "sub-committee" means a sub-committee of a committee of a county council, and the expression "joint committee" means a joint committee or joint board appointed by a county council jointly with the council of another county or of a borough or with a court of quarter sessions.

Borrowing and appropriation of land by councils of counties and boroughs.

53.—(1) Subsection (5) of section sixty-nine of the Local Government Act, 1888, and subsection (1) of section one hundred and twelve of the Municipal Corporations Act, 1882, which fix respectively the maximum period within which loans by county councils and by councils of boroughs are to be repaid, shall have effect as if for "thirty years" there were substituted "sixty years."

(2) A county council may, subject to the approval of the Minister and subject to the like restrictions as are contained in section ninety-five of the Public Health Acts Amendment Act, 1907, with respect to the appropriation of land by local authorities under that section, appropriate for any purpose for which they are authorised to acquire land any land acquired by the council for some other purpose and not required for that purpose:

7 Edw. 7. c. 53.

PART IV. —*cont.*

Provided that, where powers of appropriation of land are conferred on a county council by any other enactment, nothing in this subsection shall affect the powers under that enactment or dispense with the necessity for complying with any conditions imposed by any such enactment.

Repeal of 45 & 46 Vict. c. 50. s. 236.

54. Section two hundred and thirty-six of the Municipal Corporations Act, 1882 (which contains provisions as to the publication of notices and correspondence with respect to the approval of sales, loans, and other financial arrangements proposed to be effected by certain councils) shall cease to have effect.

Application of Borough Funds Acts to rural district councils.

55. Subject as hereinafter provided, the council of a rural district shall have the like powers of promoting and opposing Bills in Parliament and of prosecuting or defending any legal proceedings necessary for the promotion or protection of the interests of the inhabitants of their district as are conferred on councils of urban districts by the Borough Funds Acts, 1872 and 1903, and accordingly in those Acts, the expressions "governing body" and "council" shall include the council of a rural district, and the expression "chairman" shall include the chairman of such a council:

Provided that section one of the Borough Funds Act, 1903, and the other provisions of that Act relating to meetings and polls of electors, shall not apply as respects rural district councils.

Provisions as to expenses of rural district councils.

56.—(1) Where any expenses of a rural district council, whether incurred before or after the commencement of this Act, are payable as special expenses, the council may determine to contribute as part of their expenditure for general purposes such sums as appear to them to be reasonable in or towards defraying such expenses, and to treat the remainder, if any, as special expenses.

(2) A rural district council may apportion in such proportions as they think just between any two or more contributory places any expenses, whether incurred before or after the commencement of this Act, which are chargeable as special expenses, and any expenses so apportioned to any contributory place shall be deemed to be special expenses legally incurred in respect of that contributory place.

PART IV. —*cont.*

(3) Any determination or apportionment by a rural district council under this section shall be binding and conclusive on all parties concerned, notwithstanding any enactment conferring a right of appeal to quarter sessions.

Relations between county councils and district councils in respect of public health functions.

57.—(1) The council of a county may agree to contribute towards the expenditure incurred, whether before or after the commencement of this Act, by the council of a district wholly or partly within the county in the provision or maintenance of any sewers or sewage disposal works, or of a supply of water, or in the improvement of an existing supply of water, such sums as appear to them to be reasonable having regard to the resources of the district and the circumstances of the case.

(2) The council of any district may at any time by agreement with the council of the county relinquish in favour of the council of the county any of their functions relating to public health upon such terms and subject to such conditions, if any, as may be specified in the agreement, and the relinquishment may be made either for a specified term, or pending the rescission or variation of the agreement, and any agreement made under this subsection may apply with such modifications and adaptations, if any, as may be agreed any of the provisions of this Act relating to the transfer of property and liabilities and the transfer, superannuation and compensation of officers.

A copy of an agreement made under this subsection shall forthwith be sent to the Minister.

(3) Where it appears to the Minister that the council of any district wholly or partly within a county have made default in providing their district or any part thereof with a sewerage system or sewage disposal works or an adequate supply of water, or in discharging any other function relating to public health which it is their duty to discharge, the Minister may cause a local inquiry to be made into the matter, and—

(*a*) if after such inquiry the Minister is satisfied that there has been such default, he may make an order limiting a time for the discharge of the function by the council of the district; and

(*b*) if the function is not discharged by the time limited in the order, the Minister may by order transfer to the county council the function with respect

to which default has been made either for a definite period or until he may otherwise direct, and the order may apply, with such modifications and adaptations, if any, as appear necessary or expedient, any of the provisions of this Act relating to the transfer, superannuation and compensation of officers and any of the provisions of section sixty-three of the Local Government Act, 1894.

(4) Sections two hundred and ninety-nine to three hundred and two of the Public Health Act, 1875, shall cease to have effect as respects district councils.

Provisions as to medical officers of health.

58.—(1) The council of every county shall, after consultation with the councils of districts wholly or partly within the county, formulate arrangements for securing, whether by means of a combination of districts or otherwise, that every medical officer of health subsequently appointed for a district shall be restricted by the terms of his employment from engaging in private practice as a medical practitioner.

(2) The county council shall, as soon as may be, send a copy of the instrument embodying the arrangements to the Minister and to the council of every such district, and every such council shall be at liberty to make representations thereon to the Minister.

(3) If a county council within six months after being required to do so by the Minister fail to formulate such arrangements as aforesaid, the Minister after consulting the county council and the councils of all such districts may formulate any such arrangements as the county council might have formulated.

(4) Where such arrangements as aforesaid have been formulated, then, on a vacancy occurring in the office of medical officer of health for any such district, it shall be a term of the appointment of a person to fill the vacancy that he shall not engage in private practice as a medical practitioner:

Provided that, if upon application made to him by the council of the district in connection with any such proposed appointment the Minister, after considering the arrangements formulated and any representations which may be made to him by the county

PART IV. —*cont.*

council or by the councils of other districts concerned, is satisfied that such a term cannot conveniently form part of the terms of the proposed appointment, he may dispense with the foregoing requirement as respects that appointment on such conditions as he may think fit.

Qualifications of certain medical officers and health visitors. 54 & 55 Vict. c. 76.

59.—(1) The Minister may make regulations prescribing the qualifications of medical officers and health visitors appointed by a local authority under the Maternity and Child Welfare Act, 1918, the Public Health (Tuberculosis) Act, 1921, or any regulations for the treatment of venereal disease made under the Public Health Acts, 1875 to 1926, and the Public Health (London) Act, 1891; and no person shall be appointed as such a medical officer or health visitor whose qualifications are not in accordance with the regulations.

(2) This section shall extend to the county of London.

Maternity and child welfare services.

60. Where in any district any services under the Maternity and Child Welfare Act, 1918, are being provided by a council who are not the local education authority for elementary education for the district, and the Minister, on representations being made to him by the council who are such local education authority for the district, is satisfied that the transfer of the services to the council who are such local education authority would conduce to the more efficient administration in the district of the functions relating to public health and education, the Minister may, by order—

(*a*) withdraw his sanction to any arrangements made under the Maternity and Child Welfare Act, 1918, by the council who are providing the services, and

(*b*) provide for the transfer of the services to the council who are such local education authority, and any such order may apply with the necessary modifications any of the provisions of this Act relating to the transfer of property and liabilities and the transfer, superannuation and compensation of officers.

Notification of births. 7 Edw. 7. c. 40.

61.—(1) The Minister may, if he thinks fit, make an order under proviso (*b*) of subsection (4) of section two of the Notification of Births Act, 1907, declaring that that Act shall take effect as if it had been adopted by

the council of a district or by the council of a county, as the case may be, notwithstanding that no application has been made to him for that purpose.

(2) Where an order has been made under the said proviso, the Minister may at any time if he is satisfied that it is expedient to do so, make a further order revoking the original order, and thereupon the county council or the district council, as the case may be, shall again become the authority for the purposes of the Notification of Births Act, 1907.

Supervision of midwives.

62.—(1) If the council of any district have established a maternity and child welfare committee and employ a medical officer of health who, by the terms of his appointment, is restricted from engaging in private practice, the council may apply to the Minister to be made the local supervising authority under the Midwives Acts, 1902 to 1926, and the Minister, if he is satisfied that the district council are in a position to discharge the whole of the functions of a local supervising authority under those Acts, may, by order, direct that the council shall become the local supervising authority for the district in place of the county council, and provide for the manner in which the expenses of the district council and the county council under those Acts are to be defrayed.

(2) Before making an order under the last foregoing subsection, the Minister shall consult with the county council and shall, if requested by them, hold a local inquiry.

(3) Where an order has been made under subsection (1) of this section, the Minister may at any time, if he is satisfied that the functions of the local supervising authority should be retransferred to the county council, make a further order revoking the original order, and thereupon the county council shall again become the local supervising authority under the said Acts.

Provision of hospital accommodation for infectious disease.

63.—(1) For the purpose of securing the provision in every county of suitable means for the proper isolation and treatment of persons suffering from infectious disease, the council of the county shall, as soon as may be after the commencement of this Act, make a survey of the hospital accommodation for the treatment of infectious disease provided by the council and by the councils of any districts wholly or partly within the county.

PART IV. —*cont.*

(2) Upon the completion of the survey, the county council shall prepare, in consultation with the councils of all such districts and if necessary with the council of any county borough adjoining the county, and submit to the Minister for his approval, a scheme for the provision of adequate hospital accommodation for the treatment of infectious disease within the county.

(3) The scheme may provide—

(*a*) for the arrangements under which and the terms upon which accommodation in any existing hospital belonging to the council of a district shall be made available for the use of the inhabitants of the county other than those resident in the district;

(*b*) for the provision by the county council or by the council of any district of new accommodation for the treatment of infectious disease;

(*c*) for embodying arrangements made between the county council or the council of any district and the council of any adjoining county borough for the reception of persons residing in the county borough into hospitals provided by the county council or district council, and for the reception of persons residing within the county into hospitals provided by the council of the county borough.

(4) No scheme submitted to the Minister under this section shall be of any effect unless and until it is approved by the Minister, and the Minister, after considering any representations with respect to the scheme which may be submitted to him by any council affected, may approve the scheme with or without modifications.

(5) If a county council fail to submit to the Minister a scheme under this section within six months after being required by the Minister to do so, the Minister may, after consulting the county council and the councils of all such districts, himself make a scheme for the purpose, and any scheme so made shall have effect as if it were a scheme submitted by the county council and approved by the Minister.

PART IV. —*cont.*

(6) In any case in which the Minister is satisfied that the council of a district have failed to provide accommodation in accordance with a scheme under this section, or have otherwise failed to discharge their functions under the scheme, the Minister, after giving to the council of the district and the county council an opportunity of being heard, may, if he thinks fit, by order, transfer to the county council the functions of the council of the district under the scheme, and the order may, for the purpose of enabling the county council to give effect thereto, apply, with such modifications and adaptations, if any, as appear necessary or expedient, any of the provisions of this Act relating to the transfer, superannuation and compensation of officers and any of the provisions of section sixty-three of the Local Government Act, 1894.

(7) For the purposes of this section—

(*a*) references to councils of districts shall be construed as including references to combinations of such councils; and

(*b*) the expression "infectious disease" shall not include tuberculosis or venereal disease.

Power of London County Council to transfer or delegate functions to metropolitan borough councils.

64.—(1) The Minister may, if he thinks fit, on the application of the London County Council or of any association or committee which is in his opinion representative of the metropolitan borough councils, by order provide—

(*a*) for the transfer to all the metropolitan borough councils of any functions exercisable by the county council other than functions transferred to them under Part I of this Act; or

(*b*) for the exercise by any of the metropolitan borough councils as agents for the county council of any functions of the county council other than functions transferred as aforesaid.

(2) Before making an order under this section, the Minister shall, in the case of an application made by the London County Council, consult such association or committee as aforesaid, and in the case of an application made by the association or committee, consult the London County Council.

(3) An order under this section may, if the common council of the City of London consent, apply to that

PART IV. —*cont.*

council in like manner as it applies to metropolitan borough councils.

(4) An order under this section shall be laid before Parliament as soon as may be after it is made.

Saving for municipal corporations and charters.

65. Save in so far as may be necessary to give effect to any alteration or definition of boundaries made thereunder, nothing in this Part of this Act shall prejudicially alter or affect the powers, rights, privileges or immunities of any municipal corporation or the operation of any municipal charter.

Provisions as to orders and extent of Part IV.

66.—(1) Sections fifty-nine and sixty-two of the Local Government Act, 1888, shall apply as if an order made under this Part of this Act were an order made under that Act.

(2) An order made under this Part of this Act shall not be construed as affecting the limits of any parliamentary county or parliamentary borough.

(3) Save as therein otherwise expressly provided, this Part of this Act shall not extend to the county of London.

PART V.

RATING AND VALUATION.

Relief from Rates.

Total exemption of agricultural land and buildings from rates. 18 & 19 Geo. 5. c. 44.

67.—(1) No person shall, in respect of any period beginning on or after the appointed day, be liable to pay rates in respect of any agricultural land or agricultural buildings or be deemed to be in occupation thereof for rating purposes, and notwithstanding anything in the principal Act, or in the Rating and Valuation (Apportionment) Act, 1928, no such land or buildings shall be included in any rate made in respect of a period beginning on or after that date.

(2) For the purposes of valuation lists in force at the appointed day, agricultural land and agricultural buildings shall be deemed to have no rateable value, and, notwithstanding anything in the enactments hereinbefore in this section mentioned, no particulars with respect to such land or buildings shall be included in any subsequent valuation list.

PART V. —*cont.* Relief from rates in respect of industrial and freight-transport hereditaments.

68.—(1) The rateable value of industrial hereditaments and freight transport hereditaments shall, for the purposes of valuation lists in force at the appointed day as from that day, and for the purposes of subsequent valuation lists, be ascertained as follows :—

(*a*) in the case of an industrial hereditament or of a freight transport hereditament shown in a valuation list as being occupied and used wholly for industrial purposes or wholly for transport purposes, as the case may be, the rateable value of the hereditament shall, subject as hereinafter provided, be taken to be one-quarter of the net annual value thereof :

(*b*) in the case of an industrial hereditament or of a freight transport hereditament shown in a valuation list as being occupied and used partly for industrial purposes or partly for transport purposes, as the case may be, the rateable value of the hereditament shall, subject as hereinafter provided, be taken to be an amount equal to one-quarter of the net annual value shown in the list as apportioned to the occupation and user of the hereditament for industrial purposes or for transport purposes, as the case may be, together with the whole of the net annual value so shown as apportioned to the occupation and user of the hereditament for other purposes :

Provided that, as respects any industrial or freight transport hereditament or any part of such a hereditament, elsewhere than in the county of London, whereof the rateable value would, if it had continued to be ascertained under the provisions of paragraph (*c*) of subsection (1) of section twenty-two of the Rating and Valuation Act, 1925, or of any scheme made under section sixty-four of that Act, have been taken to be the amount produced by making any deduction from the net annual value, references in the foregoing provisions of this section to "net annual value" shall be construed as references to the amount produced by making from the net annual value the like deduction as would have been made under the said provisions.

PART V. —*cont.*

(2) Where before the appointed day a rate has been made for any rating area in respect of a period beginning before, but terminating on or after, that day, the amount of the rate payable in respect of the occupation of an industrial or freight transport hereditament shall be calculated as if the rate made had been two rates, the first being a rate in respect of the part of the period terminating on the day preceding the appointed day, and the second being a rate in respect of the remainder of the period, and as if the amount in the pound of the rate made had been apportioned between those two rates, in the case of a rate made in respect of a year in equal parts, and, subject as hereinafter provided, in any other case in the proportion which the number of days in the first part of the period bears to the number of days in the remainder of the period:

Provided that, if in any rating area the date of the first new valuation under the Rating and Valuation Act, 1925, has been postponed by order of the Minister until a date later than the first day of April, nineteen hundred and twenty-nine, and by reason of the postponement the period in respect of which any such rate as aforesaid was made does not coincide with the period or periods by reference to which the estimates for the rate were prepared, the amount in the pound of the rate shall be apportioned between the first part of the period in respect of which the rate was made and the remainder thereof by the rating authority with the approval of the Minister, having regard to the period or periods for which the said estimates were prepared, and the rating authority shall, as soon as may be after the making of the rate, issue a certificate showing the apportionment so made.

(3) Any person shall be entitled to recover from the rating authority any sum paid by him in excess of the amount properly chargeable against him in accordance with the provisions of the last foregoing subsection.

Amendment of 18 & 19 Geo. 5. c. 44. s. 3 (2).

69. Subsection (2) of section three of the Rating and Valuation (Apportionment) Act, 1928, shall have effect as if there were therein inserted after the word "Act" the words following, that is to say—

"(*a*) a hereditament shall not be deemed not to "be occupied and used as a factory or workshop

" by reason only of the fact that the owner " or occupier of the hereditament is the only " person working therein or that no other person " working therein is in his employment; and

"(*b*)"

PART V. —*cont.*

Amendment of valuation lists on or after appointed day and making of subsequent lists. 32 & 33 Vict. c. 67.

70.—(1) As from the appointed day, the fact of any hereditament in the county of London having in the course of any year become or ceased to be an agricultural, industrial or freight transport hereditament shall, for the purposes of section forty-seven of the Valuation (Metropolis) Act, 1869, be a ground for making and sending to the assessment committee a provisional list and for making a requisition for such a list to be made and sent, and in relation to any provisional list or requisition made on such ground as aforesaid that Act shall apply accordingly, subject to the following modifications, that is to say:—

(*a*) a provisional list or requisition therefor made on the ground that a hereditament has become an agricultural, industrial or freight transport hereditament shall contain such particulars as may be prescribed; and

(*b*) a provisional list shall not be made on the ground that a hereditament has become an agricultural, industrial or freight transport hereditament unless a requisition therefor has been made by the owner or occupier of the hereditament.

(2) As from the appointed day, no proposal for the amendment of a valuation list on the ground that a hereditament ought to be shown therein as an industrial or freight transport hereditament or ought to be omitted therefrom (or, while the first new valuation list is in force, shown therein) as being an agricultural hereditament shall be made under section thirty-seven of the Rating and Valuation Act, 1925, by any person except the owner or occupier of the hereditament, and every such proposal shall contain such particulars as may be prescribed.

(3) Subsection (10) of section thirty-seven of the Rating and Valuation Act, 1925 (which determines the date as from which amendments in valuation lists made under that section are to have effect), shall be amended

PART V. —*cont.*

by the addition thereto of the following proviso, that is to say :—

Provided also that in the case of an amendment made on or after the first day of October, nineteen hundred and twenty-nine, by reason of any hereditament having become or ceased to be an agricultural, industrial or freight transport hereditament, the amendment shall have effect only as from the date when the hereditament became or ceased to be such a hereditament.

(4) Notwithstanding anything in the Rating and Valuation (Apportionment) Act, 1928, no hereditament shall, for the purposes of any valuation list which will come into force after the appointed day, be treated as an agricultural, industrial or freight transport hereditament unless it was so treated for the purposes of the last preceding valuation list except upon a claim that it ought to be so treated being made to the rating authority by the owner or occupier of the hereditament in the prescribed form, which shall be supplied by the rating authority on the demand of the owner or occupier of any hereditament in their area.

Amendment of 15 & 16 Geo 5. c. 90. s. 11.

71. It shall not be necessary for any rating authority in defining by resolution the class of hereditaments whereof the owners are to be rated instead of the occupiers to define the class by reference to the interval at which rent from time to time becomes payable or is collected, and accordingly the following amendments shall be made in subsection (1) of section eleven of the Rating and Valuation Act, 1925, that is to say, after the words " and also " there shall be therein inserted the words " where the rating authority so decide," and in the proviso to that subsection the words " the rent of which becomes payable or is collected at quarterly or any longer intervals or " shall cease to have effect.

Consequential Provisions.

Valuation of agricultural dwelling-houses.

72. As from the first day of April, nineteen hundred and thirty, the gross value for rating purposes of a house occupied in connection with agricultural land and used as the dwelling-house of a person who—

(*a*) is primarily engaged in carrying on or directing agricultural operations on that land; or

PART V. —*cont.*

(*b*) is employed in agricultural operations on that land in the service of the occupier thereof and is entitled, whether as tenant or otherwise, so to use the house only while so employed,

shall, so long as the house is so occupied and used, be estimated by reference to the rent at which the house might reasonably be expected to let from year to year if it could not be occupied and used otherwise than as aforesaid.

Deductions from inclusive rents of industrial hereditaments in respect of rate relief.

73.—(1) Where any rates in respect of an industrial hereditament occupied by a tenant are, whether by agreement or otherwise, payable by the landlord, then, so long as under any contract made before the commencement of this Act there is payable by the tenant in respect of the hereditament rent inclusive of those rates, the landlord shall, as from the appointed day, be liable to pay to the tenant or allow by way of deduction from his rent a sum equal to the difference between every amount payable by the landlord by way of those rates, after deducting any allowance, commission, abatement, or deduction granted to him by the rating authority, and the amount which would have been so payable at the rate in the pound current for the time being if the rateable value of the hereditament had been equivalent to the net annual value thereof.

(2) Where any part of any premises for the time being assessed as an industrial hereditament is let out to a tenant, that part shall, notwithstanding that it is not separately assessed for rating purposes, be deemed for the purposes of this section to be a separate hereditament, and the amount of the sums payable under this section by the landlord to the tenant of that part in respect of any rate or instalment of a rate becoming due before it is assessed as a separate hereditament shall, on the application either of the landlord or of the tenant, be certified by the rating authority, and their certificate shall be final and conclusive.

Removal of limits of borrowing powers of local authorities.

74.—(1) So much of any enactment as imposes any limit on the borrowing powers of any local authority by reference to the value for rating purposes of hereditaments within their area shall, as from the appointed day, cease to have effect.

PART V. —*cont.*

(2) Paragraph (3) of section two hundred and thirty-four of the Public Health Act, 1875 (which, subject to the suspension thereof by the Local Authorities (Emergency Provisions) Acts, 1923 to 1928, prohibits the Minister from sanctioning a loan in certain cases until one of his inspectors has held a local inquiry and reported to the Minister), is hereby repealed as from the appointed day.

Adaptation of enactments imposing limits on expenditure of local authorities.

75.—(1) Subject as hereinafter provided, any provision of any enactment imposing a limit upon the expenditure of a local authority for any purpose in any year by reference to any specified rate poundage shall, as from the appointed day, have effect as if for the limit thereby imposed there were substituted such a limit as would be imposed if the specified rate poundage were increased by thirty-three and one-third per cent., or such higher percentage as the Minister may by order in any special case allow.

(2) An order under this section shall be laid before Parliament as soon as may be after it is made.

(3) For the purposes of this section—

(*a*) a provision shall be deemed to impose a limit upon the expenditure of a local authority by reference to a specified rate poundage, if the effect of the provision is that the expenditure is—

(i) not to involve a rate of or exceeding a specified sum in the pound; or

(ii) not to exceed the amount which would be produced by a rate of a specified sum in the pound, whether or not the expenditure is to be defrayed or the amount raised out of rates;

and any sum so specified as aforesaid is in this section referred to as a "specified rate poundage":

(*b*) a provision that if the expenditure of a local authority exceeds in any year any specified rate poundage any functions of the authority are to cease or be suspended, shall be deemed to impose a limit upon the expenditure of the authority.

PART V. —*cont.*

Adaptation of enactments relating to the adjustment of parochial balances.

76. If, as respects any parish, the period for the making of parochial adjustments limited by paragraph 5 of the Seventh Schedule to the Rating and Valuation Act, 1925, has been extended in accordance with the provisions of that paragraph, the sum, if any, remaining due on the first day of April, nineteen hundred and thirty, from that parish to the rating authority in respect of any such adjustment as aforesaid, shall be taken to be such sum as may be certified by the district auditor to be such part of the amount actually so due as bears to that amount the same proportion as the reduced rateable value of the parish bears to the unreduced rateable value thereof.

Adaptation of enactments relating to water rates.

77.—(1) Any provision of any enactment directing that the amount of any water rate shall or may be determined by reference to the rateable value of any property as appearing in the valuation list for the time being in force, shall, as from the appointed day, have effect as if for any reference to that value there were therein substituted a reference to the net annual value as so appearing.

(2) Where by any enactment, including this section, the amount of any water rate is to be determined by reference to the gross value or the net annual value of any property as appearing in the valuation list for the time being in force, then, if the value referred to does not appear in the valuation list, it shall, as from the appointed day, be determined in the event of any dispute by two justices of the peace in like manner as disputes are determined under section sixty-eight of the Waterworks Clauses Act, 1847.

10 & 11 Vict. c. 17.

Adaptation of enactments relating to drainage rates.

78.—(1) Any provision of any enactment directing that the amount of any drainage rate shall be determined by reference to the value for rating purposes of any property as appearing in the valuation list for the time being in force, shall, as from the appointed day, have effect as if for any reference to that value there were therein substituted a reference to the gross annual value for income tax purposes.

(2) Any apportionment of the gross annual value of any property for income tax purposes which may be necessary for the purpose of determining in manner aforesaid

PART V. —*cont.*

the amount of any such drainage rate shall be made by the person or body of persons having power to levy the drainage rate, or, in the event of any dispute, by a court of summary jurisdiction.

(3) Where by any enactment, including this section, the amount of any drainage rate is to be determined by reference to the gross annual value of any property for income tax purposes, then, if the property is not assessed for income tax purposes under Schedule A of the Income Tax Act, 1918, as amended by any subsequent enactment, the value thereof shall, as from the appointed day, be determined, in the event of any dispute, by a court of summary jurisdiction.

Adaptation of enactments as to qualifications of jurors and special jurors.

79.—(1) For the purposes of determining the qualification of a juror or special juror the rateable value of any property shall, as from the appointed day, be taken to be the net annual value thereof as appearing in the valuation list for the time being in force, or, if the property is not included in that list, the net annual value thereof for income tax purposes.

(2) Any apportionment of the net annual value of any property for income tax purposes which may be necessary for the purpose of determining in manner aforesaid the qualification of a juror or special juror shall be made by the registration officer whose duty it is to mark in the electors' lists the names of persons so qualified in accordance with the provisions of the Juries Act, 1922, and where any person claiming that he ought not to have been so marked as a juror or as a special juror applies to a court of summary jurisdiction in accordance with the provisions of section one of that Act, the powers of the court shall include power to revise any such apportionment, and the provisions of that section (including the provision as to the power of the Lord Chancellor to make rules) shall have effect accordingly.

12 & 13 Geo. 5. c. 11.

Adaptation of 7 & 8 Geo. 5. c. 64. s. 41 (9).

80. The Representation of the People Act, 1918, shall, as from the appointed day, have effect as if for paragraph (9) of section forty-one thereof (which makes provision as to the manner in which the yearly value of land or premises is to be ascertained for the purposes

of that Act), there were substituted the following paragraph, that is to say— PART V. —*cont.*

"(9) The yearly value of land or premises shall—

(*a*) if the gross value thereof for rating purposes appears in the valuation list for the time being in force, be taken to be the gross value as so appearing, any necessary apportionment of that value being made by the registration officer:

(*b*) if no gross value thereof for rating purposes appears in the valuation list, but the value thereof is assessed under Schedule A of the Income Tax Act, 1918, as amended by any subsequent enactment, be taken to be the gross annual value of the land or premises for income tax purposes, any necessary apportionment of that value being made by the registration officer: 8 & 9 Geo. 5. c. 40.

(*c*) in any other case, be taken to be the amount which would, in the opinion of the registration officer, have been the gross value for rating purposes of the land or premises under the enactments relating to rating and valuation in force on the sixth day of February, nineteen hundred and eighteen."

Power to require copies of values in force under Schedule A of 8 & 9 Geo. 5. c. 40.

81. Any authority or person upon whom is imposed by or under any enactment a duty to obtain information for the purposes of the registration of voters or of enabling the names of persons qualified as jurors or special jurors to be marked in the electors' lists, and any authority, person or body of persons having power to levy a drainage rate, may from time to time require the surveyors of taxes for their area to furnish to them, on payment at a rate not exceeding five shillings for every hundred entries numbered separately, a copy of the annual values for the time being in force for the purposes of income tax under Schedule A of the Income Tax Act, 1918, for all or any of the properties in that area.

PART V. —*cont.*

Consequential provisions as to certain payments in respect of Welsh education.

52 & 53 Vict. c. 40.

82.—(1) For the limit upon the aggregate amount of the annual sums payable out of moneys provided by Parliament under section nine of the Welsh Intermediate Education Act, 1889, in respect of schools in any county or county borough, there shall, as from the first day of April, nineteen hundred and thirty, be substituted a limit of an amount equal to the maximum amount which was so payable for the year ending on the thirty-first day of March, nineteen hundred and twenty-nine; and, as from the said first day of April, the said section nine shall have effect as if for references therein to the Treasury there were substituted references to the Board of Education.

(2) As from the first day of April, nineteen hundred and thirty, the yearly sums payable to the Central Welsh Board which are to be determined under paragraph (*a*) of subsection (1) of section forty-two of the Education Act, 1918, shall be determined as if for the reference in that paragraph to "the preceding year" there were substituted a reference to the year ending on the thirty-first day of March, nineteen hundred and twenty-nine.

8 & 9 Geo. 5. c. 39.

General adaptation of enactments and other documents.

83.—(1) Save as in this Part of this Act otherwise expressly provided, any provisions of any document directing that expenditure falling to be defrayed by two or more local authorities shall be apportioned between those authorities by reference to some value (other than rateable value) as appearing in or ascertained from the valuation list for the time being in force or as shown in, or ascertained in accordance with the Acts relating to, the basis or standard of county rates shall, as from the first day of April, nineteen hundred and thirty, have effect as if for any reference to that value there were therein substituted—

(*a*) in the case of a document, not being an enactment, as respects which a value is agreed upon by the local authorities concerned, a reference to that value; and

(*b*) in the case of any such document as respects which a value is not so agreed upon, and in the case of an enactment, a reference to rateable value as shown by the valuation list for the time being in force.

(2) Save as in this Part of this Act otherwise expressly provided, any provision of any document directing that the amount of any payment, not being a payment to which the last foregoing subsection applies, shall be determined by reference to some value as appearing in or ascertained from the valuation list for the time being in force or as shown in, or ascertained in accordance with the Acts relating to, the basis or standard of county rates shall, as from the appointed day, have effect as if for any reference to that value there were therein substituted—

(*a*) in the case of a document, not being an enactment, as respects which a value is—

(i) agreed upon by all persons having rights or obligations under the document; or

(ii) determined, in default of such agreement, by an arbitrator appointed by the Minister on an application made to him by or on behalf of any such person,

a reference to the value so agreed upon or determined; and

(*b*) in the case of an enactment, a reference to such value as may be determined by order of the Minister on application made to him by any such person as aforesaid.

(3) Before making any order under this section, the Minister shall require the applicants to serve a copy of the draft order upon any local authority affected and to give, in terms approved by him and in such manner as he may consider best adapted for informing any other persons affected, public notice of the application for the order and as to the manner in which and the time within which objections to the order may be made, and shall consider any objection which may be duly made within four weeks from the date of the notice, and in the event of any objection being so made and not withdrawn the Minister shall make the order as a provisional order which shall not have effect unless and until confirmed by Parliament.

Citation and construction of Part V.

84. In this Part of this Act the expression the "principal Act" means, in relation to places outside London, the Rating and Valuation Act, 1925, as amended by any subsequent enactment, and in relation to London,

PART V. —*cont.*

the Valuation (Metropolis) Act, 1869, as so amended as aforesaid, and the principal Act, the Rating and Valuation (Apportionment) Act, 1928, and this Part of this Act shall be construed as one, and may be cited together as the Rating and Valuation Acts, 1925 to 1929, or as the Rating and Valuation (Metropolis) Acts, 1869 to 1929, as the case may be.

PART VI.

EXCHEQUER GRANTS AND OTHER FINANCIAL PROVISIONS.

Discontinued Grants.

Discontinuance of grants.

85.—(1) The grants set out in the Second Schedule to this Act (in this Act referred to as "the Discontinued Grants") shall cease to be payable in respect of any period after the thirty-first day of March, nineteen hundred and thirty.

(2) For the purposes of this Part of this Act, any part of a discontinued grant paid in any year to a voluntary association (other than the King Edward the Seventh Welsh National Memorial Association) shall be treated as paid in respect of that year, notwithstanding that the amount thereof was based on the expenditure of the association in the preceding year.

(3) As soon as may be after the appointed day, the Local Taxation Account and the Exchequer Contribution Account of every county and county borough shall be wound up in accordance with such directions as, in the case of the Local Taxation Account, the Treasury, and in the case of the Exchequer Contribution Accounts, the Minister, may give.

(4) The provisions set out in the Third Schedule to this Act shall, as from the appointed day, have effect with respect to the payments therein mentioned, being payments which immediately before the appointed day were payable out of Local Taxation Accounts, or out of moneys which would have been payable to such accounts or were payments required to be charged to Exchequer Contribution Accounts.

(5) Where, immediately before the appointed day, there is in force a financial adjustment between any spending authorities with respect to any of the discontinued grants payable to those authorities, such financial

adjustment shall, as from the appointed day, cease to have effect, and if and so far as, having regard to the Exchequer Grants payable under this Part of this Act, any new financial adjustment is necessary, a new financial adjustment on an equitable basis shall be made by agreement between the spending authorities, or, in default of agreement, by a single arbitrator appointed by the Minister.

PART VI. —*cont.*

General Exchequer Contributions.

Payment of General Exchequer Contributions.

86.—(1) There shall be paid out of moneys provided by Parliament in respect of the year beginning on the appointed day, and each subsequent year, an annual contribution towards local government expenses in counties and county boroughs to be called the "General Exchequer Contribution."

(2) The amount of the General Exchequer Contribution shall be periodically revised; the amount first fixed shall be for a period of three years beginning on the appointed day, the amount fixed on the first revision shall be for a period of four years from the expiration of the first period, the amount fixed on any subsequent revision shall be for a period of five years from the expiration of the previous period, and a period for which the General Exchequer Contribution is so fixed is hereinafter referred to as a "fixed grant period."

(3) The amount of the General Exchequer Contribution shall be the sum of the following amounts, that is to say:—

(*a*) an amount equal to the total losses on account of rates of all counties and county boroughs:

(*b*) an amount equal to the total losses on account of grants of all counties and county boroughs:

(*c*) in respect of each year in the first fixed grant period, five million pounds, and in respect of each year of every following fixed grant period such amount as Parliament may hereafter determine with respect to the fixed grant period so, however, that the proportion which the General Exchequer Contribution for any fixed grant period bears to the total amount of rate and grant borne expenditure in the penultimate year of the preceding fixed grant period shall

PART VI. —*cont.*

never be less than the proportion which the General Exchequer Contribution for the first fixed grant period bore to the total amount of rate and grant borne expenditure in the first year of that fixed grant period. In the foregoing provisions of this paragraph—

(i) "rate and grant borne expenditure" means the local expenditure which fell to be borne by rates and by grants made under this Part of this Act out of the General Exchequer Contribution; and

(ii) if as respects any fixed grant period the Minister certifies that the amount of rate and grant borne expenditure in the penultimate year of that fixed grant period was abnormally increased by reason of any emergency involving the issue of a proclamation under the Emergency Powers Act, 1920, there shall be deemed to be substituted for the reference to the penultimate year of the preceding fixed grant period a reference to the last year preceding the said penultimate year in which no such abnormal expenditure was incurred.

10 & 11 Geo. 5. c. 55.

Payments out of Road Fund towards General Exchequer Contribution.

87.—(1) Towards the General Exchequer Contribution there shall at such times and in such manner as the Treasury may direct be paid out of the Road Fund in respect of the year beginning on the appointed day and each subsequent year an annual contribution amounting to the sum of the following amounts, that is to say—

(*a*) a sum equal to the certified amount of discontinued road grants for the standard year; and

(*b*) in respect of each year in the first fixed grant period, eighty ninety-first parts of the sum of three million pounds, and in respect of each year of each following fixed grant period, such sum as Parliament may hereafter determine with respect to the fixed grant period;

and any sum so payable out of the Road Fund shall, in accordance with regulations made by the Treasury, be applied as an appropriation in aid of the moneys to be provided by Parliament for the purposes of the General Exchequer Contribution.

(2) So much of section two of the Roads Act, 1920, as provides for the payment in every year to the Local Taxation Account, out of the sum to be issued out of the Consolidated Fund under that section, of the sum of five hundred and thirty-six thousand nine hundred and fifty-four pounds and eight shillings, shall as from the appointed day cease to have effect.

Part VI. —*cont.*
10 & 11 Geo. 5. c. 72.

In respect of each of the years beginning on the first day of April, nineteen hundred and twenty-eight and nineteen hundred and twenty-nine, there shall be charged on the Consolidated Fund or the growing produce thereof and paid thereout to the Road Fund, in addition to the sums paid into that fund under subsection (3) of the said section two, a sum of five hundred and thirty-six thousand nine hundred and fifty-four pounds and eight shillings.

Apportionment of General Exchequer Contribution.

88.—(1) The General Exchequer Contributions shall be apportioned amongst the several counties and county boroughs in manner hereinafter following, that is to say:—

(*a*) during the first four fixed grant periods there shall out of the General Exchequer Contribution for each year be apportioned to each county or county borough an amount equal to the appropriate percentage of the losses on account of rates and grants of the county or county borough:

(*b*) during the first four fixed grant periods the residue, and thereafter the whole, of every General Exchequer Contribution, shall each year be apportioned amongst the several counties and county boroughs in proportion to their weighted populations.

(2) The amount apportioned under this section to a county shall be called "the county apportionment" and the amount so apportioned to a county borough shall be called "the county borough apportionment."

Grants to Counties other than London.

General Exchequer Grants to counties.

89. Out of the county apportionment of every county other than the county of London there shall be set aside such amount as will be sufficient to pay to the councils of districts situate wholly or partly within the county the sums hereinafter directed to be so set

PART VI. —*cont.*

aside; the residue of the county apportionment after such sums as aforesaid have been so set aside, shall be paid to the council of the county and shall be called the "General Exchequer Grant" of that council:

Provided that, if in the case of any county the county apportionment is less than the amount to be so set aside, the deficiency shall be paid out of moneys provided by Parliament, and the sums so paid shall be treated as part of the county apportionment.

Additional Exchequer Grants to counties.

90.—(1) As respects the first fixed grant period, if in the case of any county the county apportionment falls short of an amount arrived at by adding to the standard sum a sum equivalent to one shilling per head of the estimated population of the county for the standard year, there shall in respect of each year of that fixed grant period be paid out of moneys provided by Parliament to the council of the county a sum equal to the deficiency.

(2) As respects each subsequent fixed grant period, if in the case of any county the county apportionment falls short of the standard sum increased by the greater of the two following sums, that is to say—

(*a*) a sum equivalent to one shilling per head of the estimated population of the county for the appropriate year;

(*b*) a sum equivalent to one-third of the excess of the county apportionment for the period in question over what would have been the county apportionment for the period in question had the General Exchequer Contribution for that period been the same as the General Exchequer Contribution for the first fixed grant period;

there shall in respect of each year of the fixed grant period in question be paid out of moneys provided by Parliament to the council of the county a sum equal to the deficiency.

(3) For the purposes of this section, the standard sum as respects any county shall be the amount of the loss on account of rates and grants of that county, so, however, that—

(*a*) if, for the fixed grant period in question the General Exchequer Contribution is less than the General Exchequer Contribution for the

first fixed grant period, the standard sum shall be the said amount reduced proportionately to such diminution in the General Exchequer Contribution;

(*b*) if for the fixed grant period in question the weighted population of the county is less than the weighted population of the county for the first fixed grant period adjusted as regards unemployment, the standard sum shall be the said amount reduced (or if a reduction therein has been made under paragraph (*a*) of this subsection, that reduced amount further reduced) proportionately to such diminution in weighted population.

(4) In this section the expression "adjusted as regards unemployment" means calculated as if the appropriate multiple mentioned in Rule 2 of Part III of the Fourth Schedule to this Act had been the multiple appropriate to the fixed grant period in question, and not the multiple appropriate to the first fixed grant period.

(5) The sum payable out of moneys provided by Parliament to the council of a county under this section in respect of any year shall be called the "Additional Exchequer Grant" of that council.

Grants to County Districts.

General Exchequer Grants to districts.

91.—(1) The sum to be set aside out of the county apportionment for payments to the councils of districts shall be such sum as is required to provide for each district wholly or partly within the county a sum calculated for each fixed grant period in accordance with the rules set out in Part IV of the Fourth Schedule to this Act upon the basis of the estimated population of the district or the part of the district within the county, as the case may be, together with such sums as are under the two sections of this Act next following required to be so set aside.

(2) There shall be paid in respect of each year to the council of a district the sums so set aside in respect of the district subject to such additions and deductions as are in pursuance of the provisions hereinafter contained required for adjusting losses and

PART VI. —*cont.*

gains of areas in the district, and the sum so payable to the council of the district shall be called the "General Exchequer Grant" of that council.

Compensation for losses on account of special and parish rates.

92.—(1) Where in the standard year a special or parish rate is levied in any area within a rural district, the loss on account of that rate shall be ascertained in accordance with the rules set out in Part I of the Fourth Schedule to this Act, and—

(*a*) the sum to be set aside out of the county apportionment in respect of the rural district and payable to the council thereof shall in respect of each year during the first four fixed grant periods be increased by a sum equal to the appropriate percentage of the loss of the area on account of the special or parish rate; and

(*b*) there shall be payable to the council of the district by the council of the county, in each year during the first and second fixed grant periods a sum equal to twenty-five per cent. of that loss, and thereafter such sum as the council of the county may determine.

(2) Any sum paid to a rural district council under this section shall be applied by the council to such purposes and in such manner as may be prescribed.

Schemes as to maternity and child welfare.

93. As respects any county in which there is a district the council of which have established a maternity and child welfare committee under the Maternity and Child Welfare Act, 1918, the Minister shall before the beginning of each fixed grant period, after consultation with the councils of the county and of the district, make a scheme for increasing the sum to be set aside out of the county apportionment in respect of the district by such amount as he thinks fit, having regard to the expenditure which will be defrayed by the council of the district upon services in connection with maternity and child welfare; and where such a scheme is made, the sum to be set aside out of the county apportionment in respect of the district shall be increased accordingly.

Supplementary Exchequer Grants to districts.

94.—(1) For the purpose of adjusting as between separately rated areas in any county any decreases and increases in the poundage of rates (other than special and parish rates) due to the operation of Parts I, III, V

and VI of this Act during the period of nineteen years beginning on the appointed day, the following provisions shall have effect during that period :— PART VI. —*cont.*

(*a*) there shall be ascertained in accordance with the rules set out in the Fifth Schedule to this Act as respects every separately rated area in the county whether the operation of Parts I, III, V and VI of this Act would, apart from this section, result in a gain or loss to the area and the amount of the gain or loss:

(*b*) in respect of each area as respects which a loss is disclosed there shall be added to the sum which, apart from this section, would be payable as the General Exchequer Grant of the council of the district in which the area is situate the following amounts, that is to say, for the year beginning on the appointed day and each of the four following years, an amount equal to the full amount of the loss, and for each of the next succeeding fourteen years an amount less than the amount so added in the preceding year by a sum equal to one-fifteenth of the amount added for the year beginning on the appointed day:

(*c*) the sum required for providing such additions as are mentioned in the last foregoing paragraph shall not be met by setting aside any sum out of the county apportionment, but the said sum shall be contributed :—

(i) as to one moiety thereof, by payments out of moneys provided by Parliament;

(ii) as to the other moiety thereof, by deducting from the amounts allocated to the several districts out of the county apportionment on the basis of estimated population contributions to the said moiety proportionate to the amount of the gain of the separately rated areas in their respective districts as respects which such a gain is disclosed:

Provided that any sum by which any such contribution would in the case of any district exceed the amount so allocated shall be paid out of moneys provided by Parliament:

PART VI. —*cont.*

(*d*) the Minister shall make regulations for securing that the grants under this Part of this Act paid to the several districts shall be distributed in such manner as to effect the objects of this section.

(2) The sums payable out of moneys provided by Parliament to the council of any district under this section in respect of any year shall be called the "Supplementary Exchequer Grant" of that council.

(3) As respects districts which are not divided into two or more separately rated areas, the reference in this section to "the district in which the area is situate" shall be construed as a reference to the district, and the reference to "the separately rated areas in districts" shall be construed as a reference to districts.

Grants to County Boroughs.

General Exchequer Grants to county boroughs.

95. The whole of every county borough apportionment shall be paid to the council of the county borough and the sum so paid shall be called the "General Exchequer Grant" of that council.

Additional Exchequer Grants to county boroughs.

96.—(1) There shall be ascertained in accordance with the rules set out in the Fifth Schedule to this Act as respects every county borough, whether the operation of Parts I, V and VI of this Act would apart from this and the next following section result in a gain or loss to the borough and the amount of the gain or loss:

Provided that, if a county borough comprises two or more separately rated areas, the gain or loss of each area shall be so ascertained, and the gain or loss of the county borough as a whole shall be the amount by which the gains exceed the losses or the losses the gains of the several areas.

(2) Section ninety of this Act shall apply to county boroughs as if for references to counties and the county apportionment there were substituted references to county boroughs and the county borough apportionment, and as if for the words "the amount of the loss on account of rates and grants of that county" there were substituted the words "an amount equal to the county borough apportionment for the first fixed grant period increased by the loss or reduced by the gain of

the borough as a whole, as ascertained under subsection (1) of section ninety-six of this Act."

PART VI. —*cont.*

Supplementary Exchequer grants to county boroughs.

97.—(1) Where a county borough comprises two or more separately rated areas, then for the purpose of adjusting as between those separately rated areas any decrease and increase of the poundage of rates due to the operation of Parts I, V and VI of this Act during the period of nineteen years beginning on the appointed day, the following provisions shall have effect during that period:—

(*a*) there shall be ascertained in accordance with the rules set out in the Fifth Schedule to this Act as respects every separately rated area in the county borough whether the operation of Parts I, V and VI of this Act would, apart from this and the last preceding section, result in a gain or loss to the area, and the amount of the gain or loss:

(*b*) if a loss is disclosed as respects any one or more of such areas, and the Additional Exchequer Grant (if any) of the county borough is an amount less than one-half of the aggregate amount of such losses, there shall be paid out of moneys provided by Parliament to the council of the county borough the following amounts, that is to say:—

(i) for the year beginning on the appointed day and each of the four following years such sum as, together with the amount of the Additional Exchequer Grant (if any), is equal to one-half of the said aggregate amount of such losses;

(ii) for each of the next succeeding fourteen years an amount less than the amount payable for the preceding year by a sum equal to one-fifteenth of the amount payable for the year beginning on the appointed day:

(*c*) the Minister shall make regulations for securing that the grants under this Part of this Act paid to the council of the county borough shall be applied towards making good to areas with respect to which a loss is disclosed the amount of such loss or of part thereof in such manner as to effect the objects of this section.

PART VI. —*cont.*

(2) The sums payable out of moneys provided by Parliament to the council of a county borough under this section in respect of any year shall be called the 'Supplementary Exchequer Grant" of that council.

Grants to the County of London, to the City of London and to Metropolitan Boroughs.

General Exchequer Grants in London.

98.—(1) Out of the county apportionment of the county of London there shall be set aside a sum sufficient to provide for the payment to the common council of the City of London and the council of each metropolitan borough of—

(*a*) a sum equal to the appropriate percentage of the losses on account of rates and grants of the council:

(*b*) a sum equal to one-third of the sum which would have been apportioned to the city or borough under paragraph (*b*) of subsection (1) of section eighty-eight of this Act had it been a county borough and the weighted population thereof calculated without any increase under Rule 2 of the rules set out in Part III of the Fourth Schedule to this Act.

(2) The residue of the county apportionment of the county of London after such sums as aforesaid have been set aside shall be paid to the London County Council, and shall be called the "General Exchequer Grant" of that council.

(3) There shall be paid in respect of each year to the common council and the council of each metropolitan borough a sum equal to the sums so set aside as aforesaid in respect of the City or borough, and the sum so payable to any such council shall be called the "General Exchequer Grant" of that council.

57 & 58 Vict. c. 53.

(4) The London (Equalisation of Rates) Act, 1894, shall cease to have effect as from the appointed day.

Additional Exchequer Grants in London.

99. The provisions of this Part of this Act relating to the calculation and payment of Additional Exchequer Grants to counties shall apply to the county of London as they apply to all other counties.

PART VI. —*cont.* Supplementary Exchequer Grants in London.

100.—(1) For the purpose of adjusting as between separately rated areas in the county of London any decrease and increase in the poundage of rates due to the operation of Parts I, V and VI of this Act, during the period of nineteen years beginning on the appointed day, the following provisions shall have effect during that period:—

(*a*) there shall be ascertained in accordance with the rules set out in the Fifth Schedule to this Act as respects every separately rated area in the county, whether the operation of Parts I, V and VI of this Act would, apart from this section, result in a gain or loss to the area, and the amount of the gain or loss;

(*b*) in the case of every such area with respect to which a loss is disclosed, the amount which would otherwise be contributed by the area towards the amount required to be levied by rate for general county purposes shall be reduced by crediting to the area the following amounts, that is to say:—

(i) for the year beginning on the appointed day and each of the four following years the full amount of the loss;

(ii) for each succeeding year the amount credited in the preceding year, subject to a deduction of one-fifteenth of the full amount of the loss:

(*c*) the deficiency in the revenue from rates resulting in any year to the London County Council by reason of the provisions of the last foregoing paragraph shall be met—

(i) as to one moiety thereof by payments out of moneys provided by Parliament; and

(ii) as to the other moiety thereof, by debiting to each area as respects which a gain is disclosed an amount proportionate to the amount of that gain and by increasing the amount which would otherwise be contributed as aforesaid by the area by the amount so debited.

PART VI. —*cont.*

(2) The sums payable out of moneys provided by Parliament to the London County Council under this section in respect of any year shall be called the "Supplementary Exchequer Grant" of that council.

Contributions of Councils in respect of Public Health Services.

Contributions by councils to voluntary associations in respect of maternity and child welfare.

101.—(1) It shall be the duty of the council of every county (other than the county of London) and of every county borough six months at least before the beginning of each fixed grant period to prepare and submit to the Minister for his approval a scheme for securing the payment by the council of annual contributions towards the expenses of voluntary associations, if any, providing maternity and child welfare services in or for the benefit of the county or county borough.

(2) The scheme shall provide—

(*a*) for the payment to any such association whose services were immediately before the appointed day approved by the Minister of such annual contribution in respect of those services (not being less than a sum to be determined by the Minister) as may be specified in the scheme; and

(*b*) for the payment to any such association in respect of any services not so approved, which are utilised by the council, of such annual contribution as may be specified in the scheme.

(3) The Minister may approve a scheme submitted under this section either with or without modifications, and if any such council fails to prepare and submit to the Minister such a scheme within the time allowed for the purpose, the Minister may himself make a scheme.

(4) A scheme made by the council of a county under the foregoing provisions of this section shall determine whether and to what extent the services provided by any voluntary association are such that contributions thereto should be paid by the council of a district in the county who have established a maternity and child welfare committee under the Maternity and

Child Welfare Act, 1918; and where the scheme provides for such contributions being made by the council of any district, a copy thereof shall be sent to that council by the county council when the scheme is submitted to the Minister and it shall be the duty of the council of the district to prepare and submit to the Minister, within three months after the receipt of the said copy, a scheme for the payment of such contributions by the council; and the foregoing subsections shall, with the necessary adaptations, apply accordingly. PART VI. —*cont.*

(5) If upon representations made by any voluntary association it appears to the Minister that the association proposes to provide or to extend maternity and child welfare services in or for the benefit of a county or county borough subject to contributions or increased contributions being made to the association under any scheme for the time being in operation under this section, and that it is, therefore, expedient that any such scheme should be altered, the Minister may, after considering the representations in consultation with the council of the county or county borough, so alter the scheme as to provide for such contributions or increased contributions as he considers just, and may also make such consequential alterations, if any, as he considers desirable in any scheme made under this section by the council of any district affected.

(6) As respects the county of London, the Minister shall before the beginning of each fixed grant period, after consultation with the councils concerned, make a scheme determining, in relation to voluntary associations providing maternity and child welfare services, which of those services are to be treated as services in respect of which the London County Council are to contribute and which are services in respect of which the common council of the City of London and the councils of the metropolitan boroughs are to contribute; and the scheme shall provide for the payment during the fixed grant period to the association by the several councils of contributions of such amounts as may be specified in the scheme.

Contributions by councils to voluntary associations in respect of

102.—(1) The Minister shall before the beginning of each fixed grant period after consultation with the county and county borough councils concerned or with the associations representing those councils make a scheme providing for payment of contributions of such amounts as may be

PART VI. —*cont.* other health services.

specified in the scheme to any voluntary association which provides services for the welfare of the blind by the councils of counties and county boroughs in which are resident blind persons for whose benefit those services are provided.

This subsection shall apply to the City of London as if it were a county borough and the common council were the council of a county borough.

(2) The Minister shall before the beginning of each fixed grant period, after consultation with the county and county borough councils concerned or with the associations representing those councils, make a scheme providing for the payment of contributions by councils of counties and county boroughs of such amounts as may be specified in the scheme to voluntary associations which undertake the duty of assisting or supervising defectives whilst not in institutions.

(3) The Minister shall before the beginning of each fixed grant period, after consultation with the councils of counties and county boroughs in Wales and Monmouthshire, make a scheme for the payment by those councils to the King Edward the Seventh Welsh National Memorial Association of contributions of such amount as may be specified in the scheme towards the expenses of the services in connection with the treatment of persons suffering from tuberculosis provided by the association.

General.

Payment of grants.

103. The grants under this Part of this Act shall be payable to the councils entitled thereto at such times and in such manner as the Treasury may direct.

Power to reduce grants.

104. The Minister may reduce the grant payable in respect of any year under this Part of this Act to any council by such amount as he thinks just, if,—

(*a*) he is satisfied, either upon representations made to him by any association or other body of persons experienced or interested in matters relating to public health or without any such representations that the council have failed to achieve or maintain a reasonable standard of efficiency and progress in the discharge of their functions relating to public

health services, regard being had to the standards maintained in other areas whose financial resources and other relevant circumstances are substantially similar, and that the health or welfare of the inhabitants of the area of the council or some of them has been or is likely to be thereby endangered; or

(*b*) he is satisfied that the expenditure of the council has been excessive and unreasonable, regard being had to the financial resources and other relevant circumstances of the area; or

(*c*) the Minister of Transport certifies that he is satisfied that the council have failed to maintain their roads or any part thereof in a satisfactory condition:

Provided that, whenever the Minister makes such a reduction, he shall make and cause to be laid before Parliament a report stating the amount of the reduction, and the reasons therefor.

Application of Exchequer Grants, &c.

105. Subject to the provisions of this Part of this Act, all sums received by a county council by way of General or Additional Exchequer Grant or of proceeds of local taxation licence duties shall be applicable to general county purposes.

Power of Minister to pay council's contributions to voluntary associations out of sums payable as General Exchequer Grant.

106. Upon application being made to the Minister by the council of any county or county borough requesting that the contributions of the council towards the expenses of any voluntary association having as its object the promotion of public health services may be paid directly to the association out of the amount payable as the General Exchequer Grant of the council, the Minister may pay such contributions accordingly, and any sums so paid shall be deemed to have been paid as part of that grant.

Government property.

107. For the purposes of this Part of this Act, any contribution made by the Crown in aid of rates in respect of any premises occupied by or on behalf of the Crown for public purposes shall be treated as money paid as rates, and, in the case of any premises which, if in rateable occupation, would be agricultural, industrial or freight transport hereditaments, the value upon which

PART VI. —*cont.*

that contribution would if this Act had not been passed have been computed for the half-year beginning on the first day of October, nineteen hundred and twenty-nine, shall be treated as the unreduced rateable value of the premises and the value on which that contribution is computed for that half-year shall be treated as the reduced rateable value thereof.

Power to make regulations.

108.—(1) The Minister may make regulations for giving effect to the provisions of this Part of this Act and in particular—

(*a*) as to the apportionment for the purposes of this Part of this Act of the expenditure of any joint authority (including the receiver for the metropolitan police district and any assessment committee) amongst the areas liable to contribute to such expenditure, and for the part of the expenditure so apportioned to any area being treated as expenditure of a spending authority for that area for those purposes; and

(*b*) as to the manner in which the amounts of any grants payable under this Part of this Act are to be adjusted if and so far as any such adjustment is required in consequence of any alterations or combinations of authorities or alterations of boundaries taking effect on or after the appointed day; and

(*c*) as to the manner in which, subject to the express provisions of this Act, any calculation or estimate is to be made for the purposes of this Part of this Act, and as to the authority or person by or to whom any information required for the purposes of any such calculation or estimate is to be given, and as to the time at which and the form in which it is to be given; and, in particular, the regulations as to the manner in which expenditure falling to be borne by rates is to be calculated or estimated may provide for that expenditure being taken in appropriate cases to be the amount of the payments made in any year, and may provide for such adjustment as may be necessary to correct any abnormal treatment of income or expenditure in accounts; and

(*d*) for prescribing anything which, under this Part of this Act or under the Schedules therein referred to, is to be prescribed. PART VI. —*cont.*

(2) The Local Government (Adjustments) Act, 1913, shall as from the appointed day have effect as if in paragraph (*a*) of subsection (1) of section one thereof for the reference to the Estate Duty Grant, and the residue under section one of the Local Taxation (Customs and Excise) Act, 1890, mentioned in that paragraph, there was substituted a reference to the grants payable under this Part of this Act, and as if for the rules contained in Part I of the Schedule thereto there were substituted the regulations made under paragraph (*b*) of the last foregoing subsection of this section. 3 & 4 Geo. 5 c. 19. 53 & 54 Vict. c. 60.

(3) Regulations made under paragraph (*c*) of subsection (1) of this section shall make provision for securing that where proposals for the development of institutional treatment for their area were submitted to the Minister by the council of any county or county borough at such a date that grants in aid of capital expenditure on institutions to be provided thereunder are payable in accordance with the directions of the Treasury then, if the execution of the proposals was delayed by the directions of the Minister and liabilities in connection with the proposals were incurred by the council with the approval of the Minister before the twelfth day of November, nineteen hundred and twenty-eight, and in consequence of the delay the amount of any grants paid or payable to the council for the standard year is less than the amount thereof which would otherwise have been so payable, the amount of the grants paid or payable to the council in respect of that year shall be estimated and certified as if they had been increased by such amount as may be prescribed.

(4) All regulations made under this Part of this Act shall be laid before Parliament as soon as may be after they are made.

Method of apportionment between authorities

109.—(1) Where by the rules contained in the Fourth and Fifth Schedules to this Act the expenditure of any authority is required to be apportioned between the several counties or county boroughs into which the area

PART VI. —*cont.*

of expenditure and grants, for purposes of Fourth and Fifth Schedules.

of the authority extends, the apportionment shall be made—

(*a*) in the case of expenditure in respect of roads other than loan charges, in proportion to the certified mileage of transferred roads in the parts of the area within the several counties;

(*b*) in the case of expenditure of a board of guardians other than loan charges, in proportion to the number certified as being the estimated number of persons in receipt of poor relief assignable by reason of residence to the parts of the area within the several counties and county boroughs;

(*c*) in the case of the expenditure in respect of loan charges, in proportion to the reduced rateable value of the parts of the area within the several counties and county boroughs.

(2) Where by the rules contained in the Fourth Schedule to this Act the amounts paid or payable to any authority out of the discontinued grants are required to be apportioned, the apportionment shall be made—

(*a*) in the case of grants in respect of roads, in proportion to the certified mileage of roads in respect of which the grants were made in the parts of the area within the several counties;

(*b*) in the case of grants to any voluntary association which carries on services for the welfare of the blind, in proportion to the number certified as being the estimated number of beneficiaries of the association ordinarily resident within the jurisdiction of the several authorities;

(*c*) in the case of any grants other than the grants hereinbefore in this subsection mentioned, on such basis as the Minister may by order direct.

Investigation of working of rules of Fourth Schedule, Parts III and IV, and

110. The Minister shall, before the expiration of the second fixed grant period, in consultation with such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable, cause an investigation to be made into the working of the rules contained in Parts III and IV of the Fourth Schedule

to this Act, and of the provisions of paragraph (*b*) of subsection (1) of section ninety-eight of this Act, and shall cause a report of the result of the investigation to be laid before Parliament.

PART VI. —*cont.* of s. 98 (1) (*b*).

Transitory Provisions.

111. Where after the commencement of the standard year, and before the appointed day, any alteration of authorities or boundaries affecting any county, county borough or district, or any separately rated area, takes place, the Minister may make such equitable adjustments of the amounts of the grants payable under this Part of this Act as he may deem necessary in consequence of such alteration.

Power to adjust grants in respect of alteration of authorities or boundaries before 1st April 1930.

112.—(1) For the purposes of any rate to be made or precept to be issued in respect of any period between the thirtieth day of September, nineteen hundred and twenty-nine, and the appointed day, an authority in estimating the amount which would be produced by a rate of a penny in the pound, or in determining the amount in the pound of any rate to be made or precept to be issued by them, or in making any apportionment between two or more rating areas, shall not take into account the reduction in rateable values due to the operation of Part V of this Act, or the amount of any payment to be received under this section, and for the purpose of ascertaining the amount due under any precept to which subsection (2) of section nine of the Rating and Valuation Act, 1925, applies, the amount produced by the rate of the amount in the pound specified in the precept shall be taken to be the amount which would have been so produced if the said Part V had not been passed.

Provisions as to rates and precepts and grants in respect of loss of rates during transitory period.

(2) There shall be paid out of moneys provided by Parliament to every rating authority a sum equal to the amount estimated and certified as being the difference between the sum receivable by the rating authority as the proceeds of rates in respect of the period between the thirtieth day of September, nineteen hundred and twenty-nine, and the appointed day, and the sum which would have been so receivable if the rateable value of the rating area from time to time had been calculated in accordance with the enactments which were in force immediately before the commencement of this Act:

PART VI. —*cont.*

Provided that if the Minister is satisfied that the amount in the pound of the rates levied by any rating authority in respect of that period has been abnormally increased by reason of charges not ordinarily falling to be borne by rates having been imposed thereon, the sum payable to the rating authority under this subsection shall be such sum as may be estimated and certified as the sum which would have been so payable if the said amount in the pound had not been so increased as aforesaid.

PART VII.

PROPERTY LIABILITIES AND OFFICERS.

Transfer of Property and Liabilities.

Transfer of property and liabilities of poor law authorities.

113.—(1) Subject to the provisions of this Part of this Act with respect to property and liabilities for which special provision is made, any property and liabilities held or incurred by or on behalf of a poor law authority whose area is wholly comprised within one county or county borough shall on the appointed day by virtue of this section be transferred to, and vest in, the council of the county or county borough.

(2) Subject as aforesaid, the following provisions shall have effect in the case of a poor law authority whose area is not wholly comprised within one county or county borough—

(*a*) all institutional property of the authority shall on the appointed day by virtue of this section be transferred and vest to and in such one of the councils of the counties or county boroughs into which the area of the authority extends, or to and in two or more of those councils jointly, or to and in a joint body representing two or more of those councils, or may be divided between any two or more of those councils, as may be agreed between the councils, or, if no agreement has been arrived at two months before the appointed day, as the Minister may by order determine;

Any such agreement or order may attach conditions to the transfer or user of any institutional property and may provide for the joint user of such property;

(*b*) all institutional liabilities of a poor law authority shall on the appointed day by virtue of this section be transferred to and vest in the council or councils or joint body to which the corresponding institutional property is transferred;

(*c*) all non-institutional property and liabilities of a poor law authority shall on the appointed day by virtue of this section be transferred and vest—

(i) in the case of any right of recovery from any person of payments made or expenses incurred by the authority by way of poor relief, to and in the council of the county or county borough in which the recipient of the relief was resident when the relief was granted; and

(ii) in the case of other property and liabilities, to and in the council of the county or county borough in which the portion of the poor law area having the larger or largest reduced rateable value is situate;

(*d*) as soon as practicable after the appointed day there shall be made, in accordance with the provisions contained in the Sixth Schedule to this Act—

(i) an apportionment of, or an adjustment in respect of, the non-institutional property and liabilities of the poor law authority, other than such rights of recovery as aforesaid; and

(ii) unless the councils concerned have agreed that such an adjustment is unnecessary, an adjustment in respect of the institutional property and institutional liabilities of the authority.

(3) For the purposes of this section and of the said Schedule—

"Institutional property" means all poor law institutions and offices and any other freehold or leasehold property whatsoever of a poor law authority (including any rights enjoyed in connection therewith) together with any furniture,

PART VII. —*cont.*

plant, and fittings on or about any such institution offices or property, and includes any unexpended balances of loans raised in respect of institutional property and sums set apart as a sinking fund to pay off loans so raised;

"Institutional liabilities" means any outstanding liabilities for loans raised in respect of the provision, extension or equipment of any institutional property;

"Non-institutional property and liabilities" includes all property and liabilities of a poor law authority other than institutional property and institutional liabilities.

Mitigation of liability of councils for temporary loans raised under 11 & 12 Geo. 5. c. 67.

114.—(1) For the purpose of affording relief to the councils of counties and county boroughs to whom liabilities in respect of loans (including overdrafts) raised by poor law authorities under section three of the Local Authorities (Financial Provisions) Act, 1921 (as amended by any subsequent enactment) are transferred under this Act, the following provisions shall have effect with respect to such loans—

(*a*) the Minister shall, in the case of each county and county borough to the council of which liability for any such loan is transferred under this Part of this Act, certify the amount of the liability on account of the loan outstanding on the appointed day after deducting therefrom such amount, if any, as represents sums required by the Minister to be paid by a poor law authority before the appointed day which have not been so paid;

(*b*) where any such loan is a loan made by the Minister, the sum so certified with respect to the loan shall be repaid without interest to the Minister by the council liable therefor within fifteen years from the appointed day either by means of an annuity equal to one-fifteenth part of the certified sum, the first instalment being payable on the thirty-first day of March, nineteen hundred and thirty-one, or by such other means as may be agreed between the Minister and the council;

PART. VII *cont.*—

(*c*) where any such loan is a loan made by a person other than the Minister, the loan and the interest thereon shall continue payable by the council liable therefor at such times and by such instalments as are required by the terms of the contract of borrowing; but the Minister shall pay to the council out of moneys provided by Parliament an annuity for fifteen years equivalent to the difference between the sum so certified by the Minister as aforesaid with respect to the loan, and the value of the annuity which would have been payable to the Minister by the council had the loan been made by the Minister, the rate of interest assumed in calculating such value being five per cent.;

(*d*) if in the case of any council the amount, which under the foregoing provisions of this section, would have been payable by the council in any year in respect of sums so certified by the Minister if all of those sums had been on account of loans made by the Minister and had been repayable by means of an annuity equal to one-fifteenth part of the certified sums, exceeds the amount which would be produced by a rate of ninepence in the pound levied on the reduced rateable value of the county or county borough, the amount payable in that year by the council to the Minister under this section shall be reduced by the amount of the excess;

(*e*) if as respects any county or county borough the certificate of the Minister relating to any poor law authority from whom liability for any such loan is transferred provides for a deduction on account of the failure of the authority to make any payments required by the Minister to be made before the appointed day, the amount so deducted shall be paid by the council but shall—

(i) in the case of a county be treated as expenses for special county purposes chargeable exclusively on such part of the county as was before the appointed day comprised in the area for which the poor law authority acted;

PART VII. —*cont.*

(ii) in the case of a county borough not wholly comprised within the area of the poor law authority from whom the liability for the loan was transferred to the council, be chargeable exclusively on the part of the borough within that area, and the amount so charged shall be levied as an additional item of the general rate on that part of the borough.

(2) The foregoing provisions of this section shall not apply to any such loan raised by a poor law authority after the twelfth day of November, nineteen hundred and twenty-eight, and in such case the council to whom liability for the loan is transferred shall make the payments due in respect of capital of and interest on the loan in accordance with the terms of the contract of borrowing, and such payments shall be made and charged in like manner as is hereinbefore provided with respect to the payment of sums deducted by the Minister's certificate.

(3) Where a poor law area is not wholly comprised within one county or county borough, the liability of the authority for any such loan as aforesaid shall be apportioned between the several counties and county boroughs into which the area extends in proportion to the reduced rateable value of the parts of the poor law area comprised therein, and the foregoing provisions of this section shall apply as if the part of a loan apportioned to any county or county borough were a loan the liability for which was transferred to the council thereof.

Parish property.

115.—(1) Any parish property vested at the appointed day in a board of guardians, including the proceeds of sale of parish property and any securities in which those proceeds have been invested, shall, on the appointed day, by virtue of this section be transferred to and vest in such council or body as is hereinafter mentioned; that is to say—

(*a*) if the parish is a parish comprised in a county borough or urban district, the council of the county borough or urban district;

(*b*) if the parish is a rural parish having a parish council, the parish council;

(*c*) if the parish is a rural parish not having a parish council, the representative body constituted for the holding of property of the parish:

PART VII. —*cont.*

Provided that, where the parish property is held on behalf of two or more parishes, it shall be transferred to and vest in the appropriate councils or bodies jointly.

(2) As from the appointed day the provisions set out in the Seventh Schedule to this Act shall have effect with respect to the sale, exchange, letting and disposal of parish property, and of any land to which the Sale of Exhausted Parish Lands Act, 1876, applies; and any enactment requiring the consent of the ratepayers and owners of property in a parish to the sale, exchange, letting or disposal of parish property shall cease to have effect: 39 & 40 Vict. c. 62.

Provided that nothing in that Schedule shall extend to any recreation ground, village green or other open space dedicated to the use of the community, or affect the powers of parish councils as to the letting, sale or exchange of property under subsection (2) of section eight of the Local Government Act, 1894.

(3) The council of any county borough or urban district and the parish meeting of any rural parish not having a parish council may exercise the powers of executing works in relation to parish property which are by paragraph (*i*) of subsection (1) of section eight of the Local Government Act, 1894, conferred on parish councils.

(4) Any expenses incurred by the council of a county borough or urban district in relation to parish property shall be defrayed as the council may determine—

(*a*) from the general rate of the county borough or urban district; or

(*b*) by means of a levy of an additional item of the general rate on the parish or parishes to which the property belongs.

(5) Where two or more rural parishes are grouped under a common parish council, the reference in subsection (1) of this section to a parish council shall include a reference to the common parish council, except that where functions in relation to the holding of parish property are by the order forming the group excluded from the functions exercisable by the common parish council that reference shall as respects each of the grouped parishes be construed as a reference to the representative body constituted for the holding of property of that parish.

PART VII. —*cont.*

(6) For the purposes of this section and the Seventh Schedule to this Act, "parish property" means any property the rents and profits of which are applicable or, if the property were let, would be applicable to the general benefit of one or more parishes, or the ratepayers, parishioners or inhabitants thereof, but does not include—

(*a*) property given or bequeathed by way of charitable donation or allotted in right of some charitable donation or otherwise for the poor persons of any parish or parishes if the income of the property is not applicable to the general benefit of the ratepayers or other persons as aforesaid;

(*b*) property acquired by a board of guardians for the purposes of their functions in the relief of the poor.

(7) In the application of this section to the county of London references to an urban district shall be construed as references to the City of London and to a metropolitan borough, references to the council of an urban district shall be construed as references to the common council of the City of London and to the council of a metropolitan borough, and references to the general rate of an urban district shall be construed as references to the general rate of the parish to which the property belongs.

Transfer of property and liabilities under Registration Acts.

116. Any property and liabilities held or incurred by or on behalf of a board of guardians for the purposes of their functions under the Registration Acts in relation to any registration district or sub-district shall on the appointed day, by virtue of this section, be transferred to and vest in the council to whom the functions of the board of guardians in relation to that registration district or sub-district are transferred under Part II of this Act.

Transfer of road property and liabilities.

117.—(1) Subject to the provisions of the next following section, the following property and liabilities of every district council, in so far as they relate to any roads which immediately before the appointed day were, or as from that day become, vested in the county council, shall, as from that day, by virtue of this section be

transferred to and vest in the county council, that is to say:— PART VII. —*cont.*

(*a*) any land (other than land acquired for the improvement or development of frontages or of lands abutting on or adjacent to any road) which, before the appointed day, has been acquired by the district council for the purpose of improving any such road, but which does not on that day form part of the road;

(*b*) the unexpended balances of any loans raised by the district council for the purposes of any such roads or for the purposes of any land transferred to the county council under the last foregoing paragraph of this subsection, and any sinking funds established by the district council in connection with any such loans;

(*c*) the unexpended balances of any grants paid by the Minister of Transport to the district council for the purposes of any such roads;

(*d*) all liabilities (including loans and loan charges) incurred for the purposes of any such roads or the improvement thereof which would become due for payment by the district council on or after the appointed day:

Provided that in the case of any loan the county council and the district council may agree that, in lieu of the transfer to the county council of the loan under this subsection, the county council shall from time to time repay to the district council all sums required to meet the loan charges; and in the event of any such agreement being made, the loan and any sinking fund established in connection therewith shall remain vested in the district council.

Where the loan has been raised partly for purposes relating to such roads as aforesaid and partly for other purposes, the foregoing provisions of this subsection shall apply as if the part of the loan contracted for purposes relating to such roads were a separate loan.

(2) Any sum due to be paid by a district council before the appointed day into any sinking fund which the council were required to establish for the purposes of any loan transferred to the county council under the last foregoing subsection but not so paid shall be a debt due from the district council to the county council.

PART VII. —*cont.*

(3) In the case of a road in respect of which before the appointed day an urban district council have claimed or are deemed to have claimed to exercise the functions of maintenance and repair, the county council shall from time to time repay to the district council such sums as are required to meet any loan charges falling due on or after the appointed day in respect of loans raised before that day for the purposes of the road or the improvement thereof.

(4) So much of any sum paid or payable to a district council under the Local Government (Adjustments) Act, 1913, or otherwise by way of adjustment on alteration of boundaries or other change, as represents compensation to the council in respect of the increase of the burden on the ratepayers in meeting the cost incurred by that council in the execution of their functions in respect of roads to which this section applies and has not, on the appointed day, been exhausted or applied in or towards the discharge of liabilities transferred to the county council under this section or which would have been so transferred if undischarged, shall, in the case of a sum paid or payable to the district council by another district council within the county, be repaid to that council, and in any other case be paid to the county council.

The sum payable by a district council to another council under this subsection shall be of such amount as may be agreed between those councils, or, in default of agreement, determined by an arbitrator appointed by the Minister, and shall be paid either by a single payment or by annual instalments, as may be determined by agreement between the councils or by such arbitrator as aforesaid, and if paid by a single payment, the payment shall be a purpose for which the district council may borrow under the Public Health Acts, 1875 to 1926.

For the purposes of this subsection, unless the arbitrator for special reasons otherwise determines, a sum paid to a district council by way of such adjustment as aforesaid shall be deemed to be exhausted at the expiration of a period of twenty years from the date on which the alteration of boundaries or other change took effect, and if the sum was payable by instalments one-twentieth part shall be deemed to have been paid to the council in respect of each year during that period.

(5) As respects any council whose district extends into more than one county, this section shall have

effect as if references therein to the county council included references to the councils of the several counties, and the property and liabilities transferred by this section and any sum payable thereunder shall be apportioned between them, by agreement between the county councils or in default of agreement by the Minister, in proportion to the reduced rateable values of the parts of the district within the several counties.

(6) Any question as to the property or liabilities transferred from or to any council under this section shall be determined by the Minister, whose decision shall be final and conclusive.

(7) Any capital sum paid to a county council under this section shall be treated as capital, and applied with the sanction of the Minister either in repayment of debt or for any other purpose for which capital money may be applied.

(8) Where any person or authority, other than a rating authority, receives any income applicable to the repair or maintenance of roads in any parish or other area, that person or authority shall pay over the income so received (less the amount of any expenses properly incurred in connection therewith) to the rating authority for the county borough or district in which that parish or area is situate, to be credited to that parish or area.

Transfer of quarries, plant, materials, and depôts

118.—(1) The council of every county shall, on the appointed day, take over—

(*a*) if desired by the council of any urban district within the county (not being a council who have claimed or are deemed to have claimed to exercise the functions of maintenance and repair of county roads within their district), any quarry belonging to the district council in their capacity as highway authority, together with any fixed plant therein; and

(*b*) if desired by the council of any rural district within the county, any quarry, plant or materials belonging to the district council in their capacity as highway authority, or any depots used by the district council exclusively in that capacity,

PART VII. —*cont.*

and shall pay therefor such sum as may be agreed upon, or, in default of agreement, as may be determined by an arbitrator appointed by the Minister; but the district council shall, save in so far as may be otherwise agreed between them and the county council, remain subject to any liabilities contracted in respect of any such quarry, plant, material or depots.

(2) Where in pursuance of Part III of this Act a district council relinquish, or a county council determine the delegation of, any functions with respect to the maintenance, repair or improvement of, or other dealing with, any road, the last foregoing subsection shall apply as if the date on which the relinquishment or determination takes effect were the appointed day and, in the case of a rural district council, as if the rural district council had on that date been a highway authority.

(3) Where a district extends into more than one county, the obligation under this section shall be undertaken by such one of the county councils or partly by one such council and partly by another as may be agreed between the councils concerned, or as in default of agreement may be determined by the Minister.

(4) Any capital sum paid to a district council under this section shall be treated as capital, and applied with the sanction of the Minister either in repayment of debt or for any other purpose for which capital money may be applied.

Transfer of Officers.

Transfer of poor law officers.

119. Subject to the provisions of this Part of this Act, any person who having been on the twelfth day of November, nineteen hundred and twenty-eight, an officer of a poor law authority is at the appointed day an officer of the same or any other poor law authority shall on the appointed day, as respects that office, be transferred as follows:—

(*a*) where the area of the authority of which he is an officer at the appointed day is wholly comprised within one county or county borough, he shall be transferred to and become an officer of the council of that county or county borough;

PART VII. —*cont.*

(*b*) where the area of the poor law authority of which he is an officer at the appointed day is not wholly comprised within one county or county borough, then—

(i) if the officer is at the appointed day employed in or about any poor law institution, he shall be transferred to and become an officer of the council to whom that institution is transferred;

(ii) if the officer at the appointed day acts exclusively for a district which is wholly comprised within one county or county borough, he shall be transferred to and become an officer of the council of that county or county borough;

(iii) in any other case he shall be transferred to and become an officer of such council or councils as may be agreed between the councils concerned, or, if no agreement is arrived at two months before the appointed day, such council or councils as the Minister may by order determine; and where he is transferred to more than one council the proportion of his salary or remuneration attributable to the functions in respect of which he is transferred to the respective councils shall be determined by such agreement or order as aforesaid.

Transfer of road officers.

120. Subject as hereinafter provided, any person who, having been on the twelfth day of November, nineteen hundred and twenty-eight, a road officer employed by any highway authority, is at the appointed day a road officer of a rural district council shall, on the appointed day, as respects that office, be transferred as follows:—

(*a*) where the district of the council of which he is a road officer at the appointed day is wholly comprised within one county he shall be transferred to and become an officer of the council of that county;

(*b*) where the district of the council of which he is a road officer at the appointed day is not wholly comprised within one county he shall

PART VII. —*cont.*

be transferred to and become an officer of such county council as may be agreed between the councils concerned, or, if no agreement is arrived at two months before the appointed day, such county council as the Minister of Transport may by order determine:

Provided that, where in pursuance of Part III of this Act functions as respects any county roads are delegated as from the appointed day by a county council to a rural district council, the two councils may agree for the transfer or retention to or by either such council of any road officers or for the joint user by both councils of the services of any officer and, subject to any such agreement, so long as the rural district council exercise those functions, the foregoing provisions of this section shall not apply with respect to the officers of that rural district council, but as from the date on which such functions cease to be exercisable by the district council by reason of the relinquishment of functions by the district council or the determination of the delegation of the functions by the county council, the said provisions and the provisions of this Act relating to the superannuation and compensation of road officers shall apply with respect to the district council and their officers as if that date were the appointed day.

Tenure and distribution of transferred officers.

121.—(1) Every transferred officer shall hold office by the same tenure and on the same conditions as immediately before the appointed day, and while performing similar duties shall, in respect thereof, receive not less salary or remuneration than the salary or remuneration to which he would have been entitled if this Act had not been passed.

(2) The council to whom functions are transferred under this Act may employ a transferred officer in the discharge of such of their functions as they may think proper, and every officer shall perform such duties in relation to those functions as may be directed by the council.

Provisions as to registration officers.

59 & 60 Vict. c. 50.

122. Every person who is a registration officer on the appointed day shall hold office by the same tenure and on the same conditions as immediately before the appointed day, and, for the purpose of the Poor Law Officers Superannuation Act, 1896, and the provisions of

this Part of this Act relating to superannuation, shall be deemed to be an officer transferred to the service of the council to whom the functions of the board of guardians in relation to the registration district or sub-district for which he acts are transferred under Part II of this Act.

PART VII. —*cont.*

Compensation and Superannuation of Officers.

Compensation to existing officers.

123.—(1) Every person who having been an officer of an authority or committee from whom functions are transferred under this Act, or a registration officer or registrar of marriages, on the twelfth day of November, nineteen hundred and twenty-eight, is at the appointed day an officer of such an authority or committee or a registration officer or registrar of marriages, and who by virtue of this Act, or of anything done in pursuance or in consequence thereof, suffers any direct pecuniary loss by determination of his appointment, or by diminution or loss of fees, salary or emoluments, and for whose compensation for that loss provision is not made by any other enactment for the time being in force, shall be entitled to compensation under this Act for that loss.

(2) Any claim to compensation made by an officer may be addressed to the council or councils by whom his appointment has been determined or his fees, salary, or emoluments have been altered, or to such council as may be determined by the Minister under this Act; but where compensation from more than one council is claimed by an officer, the councils concerned may agree that the claim shall be considered and decided and any compensation awarded paid by one of those councils, subject nevertheless to such apportionment between them of any compensation awarded as may be agreed between the councils or, in default of agreement, determined by the Minister.

(3) For the purposes of this section, any officer—

(*a*) who, at any time within five years after the appointed day, relinquishes office by reason of his having been required to perform duties which are not analogous to, or which are an unreasonable addition to, those which he was required to perform immediately before the appointed day; or

PART VII. —*cont.*

(*b*) whose appointment is determined or whose salary is reduced within five years after the appointed day because his services are not required, or his duties are diminished, and not on the ground of misconduct;

shall be deemed, unless the contrary is shown, to have suffered a direct pecuniary loss in consequence of this Act.

(4) The provisions set out in the Eighth Schedule to this Act shall apply to the determination and payment of compensation under this Act to officers.

Superannuation of transferred poor law officers.

124.—(1) Where any officer by whom the annual contributions required by the Poor Law Officers' Superannuation Act, 1896 (in this section referred to as "the Act of 1896"), have been made is, by virtue of this Act, transferred to the service of any council, then, if the council to whose service he is transferred have no superannuation scheme or if, in the case of an officer transferred to the service of a council who at the appointed day have such a scheme, he gives, within three months after the appointed day, notice in writing to that council that he elects to remain subject to the provisions of the Act of 1896, that Act shall apply to him subject to such modifications as the Minister may by order direct, and shall continue so to apply to him so long as he is in the service of the council of any county or county borough until, under such statutory provisions as may be made for the superannuation of persons employed by the councils of all counties and county boroughs, there becomes applicable to him a superannuation scheme not less favourable than that provided by paragraph (*a*) of the next following subsection.

(2) As respects any such officers as aforesaid who, having been so transferred to the service of a council who at the appointed day have a superannuation scheme, do not give notice in accordance with the provisions of the last foregoing subsection, as from the appointed day the provisions of the Act of 1896 shall cease to apply and the following provisions shall have effect:—

(*a*) in the case of officers transferred to the service of a council who have, on or before the appointed day, adopted the Local Government and other Officers' Superannuation Act, 1922 (in this section referred to as "the Act of 1922"),

12 & 13 Geo. 5. c. 59.

whether alone or in combination with any other local authority, the provisions of the Act of 1922 shall apply to them while in that service or in any service in which the said provisions continue to apply to them by virtue of section eight of the said Act, subject to the following modifications :—

(i) for the purposes of the Act of 1922, any service before the date on which the Act of 1922 becomes applicable to the officer which would have been treated as service for the purposes of the Act of 1896 shall be treated as contributing service, and contributions paid under the Act of 1896 (except so far as those contributions are attributable to service in respect of which the officer is not transferred under this Act) shall for the purpose of the provisions of the Act of 1922 relating to the return of contributions be treated as having been paid under the Act of 1922; and

(ii) the contributions payable by any such officer under the Act of 1922 shall be the following :—

(*i*) if on such date as aforesaid the officer has completed less than ten years service which would have been treated as service for the purposes of the Act of 1896, a sum equal to two-and-a-half per cent. of his salary or wages;

(*ii*) if on such date as aforesaid he has completed ten but less than twenty years of such service as aforesaid, a sum equal to three per cent. of his salary or wages;

(*iii*) if on such date as aforesaid he has completed twenty years of such service as aforesaid, a sum equal to three-and-a-half per cent. of his salary or wages;

(iii) the second proviso to section seven, subsection (3) of section fifteen and subsection (4) of section sixteen of the Act of 1922 shall not apply;

(iv) subsection (1) of section eight of the Act of 1922 shall have effect as if the words

PART VII. —*cont.*

"a designated post in" were omitted therefrom;

(v) where any such officer was, immediately before the appointed day, one of the holders of a joint appointment, then, if after he has attained the age of fifty years or completed twenty years' service he loses his office or employment by reason of the death, resignation, or insanity of the other holder thereof and is not re-appointed, he shall, in lieu of being entitled to a return of contributions under section ten of the Act of 1922, be entitled to a superannuation allowance under that Act, so, however, that this provision shall not apply where a joint appointment held by a husband and wife is terminated owing to misconduct of one of them;

(vi) the equal annual charge payable by the council to the superannuation fund under paragraph (*e*) of subsection (1) of section eighteen of the Act of 1922 shall be increased by such amount, if any, as may be certified by an actuary within the meaning of that Act to represent the additional burden imposed on the fund by the application of the Act of 1922 to such officers as aforesaid under this subsection:

(*b*) in the case of officers transferred to the service of a council who have not, on or before the appointed day, adopted the Act of 1922 but who have on that date some other superannuation scheme, the council shall prepare and submit to the Minister an amending scheme for applying the superannuation scheme to those officers while in that service and for adequately protecting their rights and interests, and upon the amending scheme being approved by the Minister, with or without modifications, the superannuation scheme shall have effect as thereby amended.

(3) For the purpose of the foregoing provisions of this section, the expression "superannuation scheme" includes any scheme for ensuring benefits to an officer on retirement.

PART VII. —*cont.*

(4) Where any officer on his transfer by virtue of this Act to a council becomes an officer to whom the Asylum Officers' Superannuation Act, 1909, as extended by the Asylum and Certified Institutions (Officers Pensions) Act, 1918, applies, the foregoing provisions of this section shall not apply to him; but if he is an officer by whom the contributions required by the Act of 1896 have been made, any service before the appointed day which would have been treated as service for the purposes of the Act of 1896 shall be treated as service for the purposes of the Asylum Officers' Superannuation Act, 1909, as so extended, and for the purpose of the provisions of that Act relating to the return of contributions, contributions paid under the Act of 1896 shall be treated as having been paid under the Asylum Officers' Superannuation Act, 1909.

9 Edw. 7. c. 48.
8 & 9 Geo. 5. c. 33.

(5) In the case of any officer transferred by virtue of this Act who has made the contributions required by the Act of 1896 and is a teacher who if he were serving in a public elementary school would be in contributory service under the Teachers' (Superannuation) Act, 1925 (in this section referred to as "the Act of 1925") the following provisions shall apply in lieu of the foregoing provisions of this section:—

15 & 16 Geo. 5. c. 59.

(*a*) as from the appointed day the Act of 1896 shall cease to apply to the officer and the Act of 1925 shall apply to him as if he were a teacher in a public elementary school:

(*b*) any service before the appointed day which would have been treated as service for the purposes of the Act of 1896 shall be treated as recognised or contributory service under the Act of 1925, and contributions paid under the Act of 1896 shall, for the purpose of the provisions of the Act of 1925 relating to the return of contributions, be treated as having been paid under the Act of 1925:

(*c*) when any allowance, gratuity, or balance of contributions becomes payable to or in respect of the officer under Part II of the Act of 1925 the council to whom he is transferred shall, either by means of a single payment or by means of such periodical payments as the Treasury may determine, pay to the Board of

PART VII. —*cont.*

Education such sum as may be determined by the Treasury to represent, after taking into account any sum previously paid on account of that officer under this paragraph, the present value of such part of the sums payable or to become payable to or in respect of him under Part II of the Act of 1925 as is attributable to service which is treated as recognised or contributory service under the last foregoing paragraph:

(*d*) all sums payable to the Board of Education under the last foregoing paragraph shall be recoverable by that Board:

(*e*) so much of proviso (*a*) to subsection (1) of section two of the Act of 1925 as provides that no service in respect of which contributions are payable under the Act of 1896 shall be deemed to be contributory service for the purposes of the Act of 1925 shall cease to have effect as from the appointed day.

Superannuation of transferred road officers.

125.—(1) Where before the appointed day a district council from whom any road officer is transferred under this Part of this Act had, whether alone or in combination with any other local authority, adopted the Local Government and other Officers' Superannuation Act, 1922, (hereinafter in this section referred to as "the Act of 1922") and the officer held a post which on that date was a designated post under that Act, then—

(*a*) if the county council to whom he is transferred have on or before the appointed day adopted the Act of 1922, that Act shall apply as if the post held by the transferred officer under the county council had on the appointed day been designated by the council as an established post for the purposes of the Act of 1922;

(*b*) if the county council to whom he is transferred have not on or before the appointed day adopted the Act of 1922, but have on that date any superannuation scheme or other scheme for ensuring benefits to an officer on retirement, the council shall prepare and submit to the Minister for his approval a scheme substituting in the case of that officer such superannuation

scheme or other scheme as aforesaid for the provisions of the Act of 1922, and adequately protecting his rights and interests, and upon the scheme being approved by the Minister with or without modifications the Act of 1922 shall cease to apply to that officer;

(*c*) if the county council to whom he is transferred have on the appointed day no superannuation scheme or other scheme for ensuring benefits to an officer on retirement, whether under the Act of 1922 or otherwise, the Act of 1922 shall continue to apply to him as if the county council had on the appointed day adopted that Act and designated his post as an established post for the purposes of that Act:

Provided that it shall be lawful for the Minister by order to dispense with the necessity for the establishment by the council of a superannuation fund under the Act of 1922, and to make such consequential modifications of the Act of 1922 as may be necessary.

(2) In any such case as aforesaid—

(*a*) the district council shall pay to the county council in respect of the officer such a transfer value as would have been payable if the transfer had been a transfer to which subsection (1) of section eight of the Act of 1922 applies ; and subsection (2) of section eleven of that Act (which provides that no return of contributions is to be made where a transfer value is paid) shall apply accordingly ;

(*b*) the equal annual charge payable by the district council to the superannuation fund under paragraph (*e*) of subsection (1) of section eighteen of the Act of 1922 shall be reduced by such amount (if any) as may be certified by an actuary within the meaning of that Act to represent the relief to the fund attributable to the post held by any such officer as aforesaid ceasing to be a designated post under the district council.

PART VII. —*cont.*

General.

Determination of questions as to transferred officers, &c.

126. If any question arises—

(*a*) as to the transfer of any officer in consequence of the provisions of this Act;

(*b*) as to the council to whom application by an officer is to be made for compensation under this Act;

(*c*) as to the fund out of which compensation (if any) is to be paid, or the proportions in which any compensation awarded is payable by councils;

the Minister may, on the application of the officer or any council concerned, determine the question.

PART VIII.

GENERAL.

Information to be given by poor law authorities and district councils to county councils.

127.—(1) It shall be the duty of every poor law authority to furnish, and to instruct their officers to furnish, any information in their power which may reasonably be required by the council of any county or county borough for the purpose of enabling them to discharge the functions transferred to them under Part I. of this Act.

(2) It shall be the duty of every district council to furnish, and to instruct their officers to furnish, any information in their power which may reasonably be required by the council of any county for the purpose of enabling them to discharge their functions under Parts III. and IV. of this Act.

Expenses, lending and borrowing.

128.—(1) Save as otherwise expressly provided by this Act or by any scheme made thereunder for the provision of hospital accommodation for the treatment of infectious disease, the expenses of the council of a county or county borough under this Act shall be defrayed—

(*a*) in the case of a county council, as expenses for general county purposes;

(*b*) in the case of a county borough council, in like manner as general expenses in the execution of the Public Health Acts, 1875 to 1926;

and the provisions of the Poor Law Act, 1927, limiting the time within which debts incurred by boards of guardians are to be paid shall not apply to county councils or county borough councils. PART VIII. —*cont.*

(2) The council of any county or county borough in Wales or Monmouthshire may, with the consent of the Minister, lend to the King Edward the Seventh Welsh National Memorial Association any money required by that association for the purposes of capital expenditure which that association has power to borrow, subject to any conditions which the Minister may impose.

(3) The council of a county or county borough may borrow for the purposes of this Act—

(*a*) in the case of the London County Council, under and in accordance with the London County Council (Finance Consolidation) Act, 1912, as amended by any subsequent enactment, and in the case of any other county council, under and in accordance with section sixty-nine of the Local Government Act, 1888, as amended by this Act; 2 & 3 Geo. 5. c. cv.

(*b*) in the case of the council of a county borough, as for the purposes of the Public Health Acts, 1875 to 1926.

129.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary for the purposes of this Act, and such inspectors shall for the purposes of any inquiry have all such powers as they have for the purposes of inquiries directed by him under the Poor Law Act, 1927. Provisions as to inquiries.

(2) The Minister of Transport may hold inquiries for the purposes of this Act, including appeals to him thereunder, as if those purposes were purposes of the Ministry of Transport Act, 1919, and section twenty of that Act shall apply accordingly. 9 & 10 Geo. 5. c. 50.

(3) The Secretary of State may hold inquiries for the purposes of the provisions of this Act relating to the review by county councils of electoral divisions as if those purposes were purposes of section fifty-four of the Local Government Act, 1888, and subsection (1) of section eighty-seven of that Act shall apply accordingly.

PART VIII. —*cont.*

(4) Where the Secretary of State or either such Minister causes any such inquiry as aforesaid to be held, the costs incurred by him in relation to that inquiry (including such reasonable sum not exceeding five guineas a day as he may determine for the services of any inspector or officer engaged in the inquiry) shall be paid by such council or person as the Secretary of State or Minister concerned may direct, and the Secretary of State or Minister concerned may certify the amount of the costs so incurred and any amount so certified and directed by him to be paid by any council or person shall be a debt due to the Crown from that council or person.

Power to remove difficulties.

130.—(1) If any difficulty arises in connection with the application of this Act to any exceptional area, or in bringing into operation any of the provisions of this Act, the Minister may make such order for removing the difficulty as he may judge to be necessary for that purpose, and any such order may modify the provisions of this Act so far as may appear to the Minister necessary for carrying the order into effect:

Provided that the Minister shall not exercise the powers conferred by this section after the thirty-first day of December, nineteen hundred and thirty.

(2) Every order made under this section shall come into operation upon the date specified therein in that behalf, but shall be laid before Parliament as soon as may be after it is made and shall cease to have effect upon the expiration of a period of three months from the date upon which it came into operation, unless at some time before the expiration of that period it has been approved by a resolution passed by each House of Parliament:

Provided that, in reckoning any such period of three months as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

(3) In this section the expression "exceptional area" includes any poor law area which is not wholly comprised within one county or county borough, any district which is not wholly comprised within one county, or which is administered by the council of an adjoining district in another county, any parish which is not

wholly comprised within one county, county borough or district, or which is not within the same district for municipal and sanitary purposes, and any area which enjoys or is subject to any special privilege, exemption or liability in respect of rating or valuation.

PART VIII. —*cont.*

Provisions as to orders, schemes and regulations.

131.—(1) Any order or scheme made under this Act may contain such incidental, consequential or supplemental provisions as may appear necessary or proper for the purposes of the order or scheme.

(2) Except as otherwise expressly provided by this Act, any order or scheme made under this Act may be altered or revoked by an order or scheme made in like manner and subject to the like provisions as the original order or scheme:

Provided that—

(*a*) any scheme in operation under Part VI of this Act during any fixed grant period may be altered or revoked by a subsequent scheme made at any time before the end of that period; and

(*b*) if, on the failure of a council to submit a scheme within the time allowed by this Act, a scheme has been made by the Minister, or a scheme has been made by the Registrar-General and approved by the Minister, the scheme so made may be altered or revoked by a scheme made in like manner as the original scheme or by a scheme submitted by the council in question and approved by the Minister.

(3) Where any order (other than an order made under the last foregoing section or under Part IV of this Act) or any regulations are by this Act required to be laid before Parliament, the order or regulations shall be laid on the Table of both Houses of Parliament, and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat after any such order or regulation has been laid before it praying that the order or regulation may be annulled, the order or regulation shall be annulled and it shall thenceforth be void, but without prejudice to the validity

PART VIII. —*cont.*

of anything previously done thereunder or to the making of a new order or regulation.

Transitory and temporary provisions and adaptation of enactments.

132.—(1) The provisions set out in the Ninth Schedule to this Act (which relate to transitional and temporary matters) shall have effect for the purposes of this Act.

(2) The enactments mentioned in the Tenth Schedule to this Act shall have effect subject to the adaptations specified in that Schedule and the said adaptations shall, save as in that Schedule otherwise expressly provided, come into operation as from the appointed day.

Special temporary provisions for adjustment of reduced and unreduced rateable value.

133. Where a valuation list in force on the first day of October, nineteen hundred and twenty-nine, is amended with respect to any hereditament on the ground that it was or was not on that date an agricultural, industrial, or freight transport hereditament, then, whether or not the amendment has under this Act retrospective effect for other purposes, the reduced and unreduced rateable value of the hereditament shall, if—

(*a*) in the county of London the provisional list by which the amendment was made was sent to the assessment committee before the first day of October, nineteen hundred and thirty, or sent to them in compliance with a requisition served on the rating authority before that date; or

(*b*) elsewhere, the proposal for the amendment was served on the rating authority or, as the case may be, notified to the occupier or owner of the hereditament before the first day of October, nineteen hundred and thirty;

be ascertained for the purposes of all the provisions of this Act, except section one hundred and twelve thereof, as if the amendment had been made immediately before the first day of October, nineteen hundred and twenty-nine.

Definitions.

134. In this Act unless the context otherwise requires—

"Appointed day" means the first day of April, nineteen hundred and thirty, except that for the purposes of Part V of this Act it means the first day of October, nineteen hundred and twenty-nine:

"Appropriate percentage" means as respects the first and second fixed grant periods seventy-five per cent., as respects the third fixed grant period fifty per cent., and as respects the fourth fixed grant period twenty-five per cent.:

"Appropriate year" means as respects the first fixed grant period the standard year, and as respects any subsequent fixed grant period the last year of the preceding fixed grant period:

"Certified" means—

in relation to roads or road grants, certified by the Minister of Transport:

in relation to the number of unemployed insured men or women, certified by the Minister of Labour:

in relation to any other matter, certified by the Minister of Health or such district auditor or officer of the Ministry of Health as he may appoint for the purpose:

"Classified road" means a road classified by the Minister of Transport under the Ministry of Transport Act, 1919, in Class I. or Class II., or in any class declared by him to be not inferior to those classes for the purposes of this Act:

"County" means an administrative county, but does not include a county borough:

"County bridge" includes any bridge which a county council are liable to repair, except a bridge which they are liable to repair only by reason of the facts that the bridge is repairable by the inhabitants at large and that the road carried by the bridge is, for the time being, a county road:

"County of London" means the administrative County of London:

"District" means county district, that is to say, a non-county borough or other urban district or a rural district:

"Drainage rate" means any rate which is assessed under any commission of sewers or in respect of any drainage, wall, embankment or other work for the benefit of the land:

PART VIII. —*cont.*

"Enactment" includes any public general, local or private Act and any rule, regulation, byelaw, order, or award made under any Act:

"Estimated population" and "estimated number of children under five years of age per thousand of the estimated population" mean in relation to any year, the population or number as estimated by the Registrar-General for the calendar year in which the year in question begins:

"Functions" includes powers and duties:

"Gross annual value for income tax purposes" means the annual value for the time being in force for the purposes of income tax under Schedule A of the Income Tax Act, 1918, as amended by any subsequent enactment:

"Local Act" includes a Provisional Order confirmed by Act of Parliament:

"Losses on account of grants" means such losses calculated in accordance with the rules set out in Part II. of the Fourth Schedule to this Act:

"Losses on account of rates" means such losses calculated in accordance with the rules set out in Part I. of the Fourth Schedule to this Act:

"Minister" means the Minister of Health:

"Net annual value for income tax purposes" means the gross annual value for income tax purposes as reduced for the purpose of collection in accordance with the provisions of Rule 7 of No. V. of Schedule A of the Income Tax Act, 1918, as amended by any subsequent enactment:

"Officer" includes servant:

"Parish rate" means a rate or an additional item of a rate levied to defray the expenses of a parish council or parish meeting other than expenses defrayed out of a special rate, and also includes any additional item of the general rate which by virtue of section three of the Rating and Valuation Act, 1925, is to be levied in lieu of a special rate:

"Poor law authority" means a board of guardians, the board of management of a school district, an asylum board, and a joint committee constituted under section three of the Poor Law Act, 1927, or the corresponding provision of any Act repealed by that Act:

"Poor law area" means, in relation to a board of guardians, the poor law union, in relation to the board of management of a school district, the school district, in relation to an asylum board, the asylum district, and in relation to a joint committee, the combination of poor law unions for which the joint committee acts:

"Prescribed" means, save as otherwise expressly provided in Part II of this Act, prescribed by regulations made by the Minister under this Act:

"Property" and "liabilities" have the same meanings as in the Local Government Act, 1888:

"Public health services" includes services relating to maternity and child welfare, lunacy and mental deficiency, and the welfare of the blind:

"Rate" has the same meaning as in the Rating and Valuation Act, 1925:

"Rating area" has the same meaning as in the Rating and Valuation Act, 1925:

"Reduced rateable value" means, subject to the provisions of the last foregoing section, in relation to any hereditament, the rateable value thereof according to the valuation lists in force on the first day of October, nineteen hundred and twenty-nine, and in relation to any area the aggregate of such rateable values of all the hereditaments in the area:

"Registration Acts" means the Births and Deaths Registration Acts, 1836 to 1926, and the Marriage Acts, 1811 to 1898:

"Registration officer" means, for the purposes of Part II and Part VII of this Act, any superintendent registrar and registrar of births and deaths:

"Road" means a highway repairable by the inhabitants at large, and, save as in this Act

PART VIII. —*cont.*

otherwise expressly provided, includes any bridge so repairable carrying the road, and "improvement" in relation to a road includes the fixing of a building line or improvement line under any enactment:

"Road officer" means an officer employed as the road surveyor of a highway authority or employed under the control of such a surveyor in the surveying, making, maintenance or repair of roads:

"Separately rated area" means any parish, part of a parish or place which is either a contributory place or an area otherwise subject to separate or differential rating (other than differential rating which is not of a permanent character), or as respects any county borough or any district in which there is no such parish or part of a parish or place, means the county borough or the district, as the case may be:

"Sinking fund" includes any fund for the redemption of debt:

"Special rate" means a special rate as defined in section three of the Rating and Valuation Act, 1925:

"Spending authority" means the council of a county, county borough or district, the common council of the City of London, the council of a metropolitan borough, or a board of guardians:

"Standard year" means the year beginning on the first day of April, nineteen hundred and twenty-eight, and ending on the thirty-first day of March, nineteen hundred and twenty-nine:

"Transferred officer" means an officer who by virtue of this Act is in respect of any office transferred from one authority to another:

"Transferred services" means the services in respect of which functions are transferred to councils by Parts I and III of this Act:

"Unemployed insured men" and "unemployed insured women" mean, respectively, men and

PART VIII. —*cont.*

women of or over the age of eighteen years being insured contributors under the Unemployment Insurance Acts, 1920 to 1928, who are for the time being recorded as being unemployed for the purpose of the returns of unemployment made by the Minister of Labour:

"Unreduced rateable value" means, subject to the provisions of the last foregoing section, in relation to any hereditament what would have been the rateable value thereof on the first day of October, nineteen hundred and twenty-nine, if that rateable value had been calculated in accordance with the enactments which were in force immediately before the commencement of this Act, but on the assumption that the net annual value of the hereditament was the net annual value thereof as on the said first day of October; and in relation to any area the aggregate of such rateable values of all the hereditaments in the area:

"Water-rate" means any rate or other charge payable by consumers for the supply of water:

"Weighted population" means in relation to any county or county borough, the weighted population calculated in accordance with the rules set out in Part III. of the Fourth Schedule to this Act.

Declaration of intention as to future increases of local expenditure.

135. It is hereby declared that it is the intention of this Act that, in the event of material additional expenditure being imposed on any class of local authorities by reason of the institution of a new public health or other service after the commencement of this Act, provision should be made for increased contributions out of moneys provided by Parliament.

Transmission of benefit of rate-relief in respect of freight transport hereditaments.

136.—(1) Whereas it is intended that occupiers of freight transport hereditaments, lands and heritages should allow rebates from, or make reductions in, the charges made by them in connection with the user of such hereditaments, lands and heritages for transport purposes, corresponding to the relief from rates due to the operation of Part V of this Act and of any corresponding enactment extending to Scotland:

PART VIII. — *cont.*

Now, therefore—

(*a*) the provisions set out in the Eleventh Schedule to this Act shall have effect for the purpose of securing that such rebates as aforesaid are allowed in respect of certain selected traffics by the companies to which that Schedule applies; and

(*b*) the power of the Minister of Transport under any enactment, whether passed before or after the commencement of this Act, to revise the rates of the charges made by any person in connection with any canal or dock undertaking shall be deemed to include power to make provision for the allowance of rebates from, or the making of reductions in, such charges corresponding as nearly as may be to the relief from rates due to the operation of Part V of this Act and of any such corresponding enactment as aforesaid in respect of any freight transport hereditaments, lands and heritages occupied and used for canal transport purposes or dock purposes as part of that undertaking.

(2) In this section the expressions "freight transport hereditaments, lands and heritages," "transport purposes," "canal undertaking," "dock undertaking," "canal transport purposes" and "dock purposes" have the same meanings as in the Rating and Valuation (Apportionment) Act, 1928.

(3) This section and the said Eleventh Schedule shall extend to Great Britain.

Repeals.

137. The enactments mentioned in the Twelfth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, the repeals effected by each of the several Parts of that Schedule being consequential on the provisions of the corresponding Part of this Act:

Provided that the repeal of the enactments mentioned in Parts I., III., V., VI., and VII. of that Schedule shall not take effect until the date fixed as the appointed day for the corresponding Part of this Act.

PART VIII. —*cont.*

138.—(1) This Act may be cited as the Local Government Act, 1929. Short title and extent.

(2) This Act shall not (except the provisions thereof relating to the cattle pleuro-pneumonia account and the transmission of the benefit of rate relief in respect of freight transport hereditaments) extend to Scotland, and shall not extend to Northern Ireland.

(3) The Minister may by order direct that this Act shall, subject to such exceptions, adaptations and modifications, if any, as may be specified in the order, extend to the Isles of Scilly, but except as so applied this Act shall not extend to the said Isles.

The Minister may by any such order amend or repeal any provisions contained in the order relating to the Isles of Scilly, which was confirmed by the Local Government Board's Provisional Order Confirmation (No. 6) Act, 1890. 53 & 54 Vict. c. clxxvi.

(4) The Minister may by order direct that the provisions of Part III. of this Act and such other provisions of this Act as relate to the property, liabilities, and officers of highway authorities shall, subject to such exceptions, adaptations, and modifications, if any, as may be specified in the order, extend to the administrative county of the Isle of Wight, and any such order may amend or repeal any provision contained in the Isle of Wight (Highways) Act, 1925; but, except as so applied, the said provisions of this Act shall not extend to the said county. 15 Geo. 5. c. xiii.

SCHEDULES.

Sections 30, 31, 36.

FIRST SCHEDULE.

Sections 30, 36.

PART I.

FUNCTIONS EXERCISABLE IN RURAL DISTRICTS EXCLUSIVELY BY COUNTY COUNCILS.

Enactment conferring powers.	Modification.
The Public Health Act, 1875 (38 & 39 Vict. c. 55):	
s. 146	As if the words "with the consent of two-thirds of their number" were omitted therefrom.
s. 147	As if the words "with the consent of two-thirds of their number" were omitted therefrom.
s. 148	As if the following words were omitted therefrom, that is to say, the words "or with the surveyor of any county bridge," the words "or of any road over any county bridge and the approaches thereto," and the words "or surveyor."
s. 154	As if the word "street" included county roads and county bridges, and as if the words "with the sanction of the Local Government Board" were omitted therefrom.
s. 176	So far as required for highway purposes and the purposes of s. 154.
The Private Street Works Act, 1892 (55 & 56 Vict. c. 57):	
The whole Act	The county surveyor when preparing his specification of private street works under section 6 (2) shall, if and so far as the works include sewers, consult the rural district council.
The Local Government Act, 1894 (56 & 57 Vict. c. 73):	
s. 25 (2)	

Enactment conferring powers.	Modification.
The Public Health Acts Amendment Act, 1907 (7 Edw. 7. c. 53):	
s. 18	
s. 19	
s. 20	
s. 29	
The Public Health Act, 1925 (15 & 16 Geo. 5. c. 71):	
s. 21	
s. 22	
s. 25	
s. 27	
s. 28	
s. 30	As if the references therein to "their byelaws" and "the bye-laws of the local authority" were references to the byelaws of the rural district council.
s. 31	Not to affect the application for the approval of plans being made to the rural district council, who within seven days of the receipt of the application must notify the county council. The county council to have power to authorise the county surveyor to exercise on their behalf their powers under the section.
s. 32	
s. 35	

Part II.

Section 30.

Functions exercisable in Rural Districts by County Councils and by District Councils with the consent of the County Council.

The Public Health Acts Amendment Act, 1890 (53 & 54 Vict. c. 59):	
s. 39	
s. 40	
s. 43	
The Public Health Acts Amendment Act, 1907 (7 Edw. 7. c. 53):	
s. 47	

1ST SCH. —*cont.*

Sections 31, 36.

PART III.

FUNCTIONS EXERCISABLE IN URBAN DISTRICTS AS RESPECTS COUNTY ROADS EXCLUSIVELY BY COUNTY COUNCILS.

Enactment conferring powers.	Modification.
The Public Health Act 1875 (38 & 39 Vict. c. 55):	
s. 146	As if the words "with the "consent of two-thirds of "their number" were omitted therefrom.
s. 147	As if the words "with the "consent of two-thirds of "their number" were omitted therefrom.
s. 154	As if the word "street" included county roads and county bridges, and as if the words "with the sanction of the "Local Government Board" were omitted therefrom.
s. 176	So far as is required for highway purposes and the purposes of section 154.
The Public Health Acts Amendment Act, 1907 (7 Edw. 7. c. 53):	
s. 18	
s. 20	
s. 29	
The Public Health Act, 1925 (15 & 16 Geo. 5. c. 71):	
s. 25	
s. 27	

Section 31.

PART IV.

FUNCTIONS EXERCISABLE IN URBAN DISTRICTS AS RESPECTS COUNTY ROADS BY COUNTY COUNCILS AND BY DISTRICT COUNCILS.

The Public Health Act 1925, (15 & 16 Geo. 5. c. 71.)	
s. 21	
s. 22	

1st Sch. —*cont.*

Part V.

Section 31.

Functions exercisable in Urban Districts as respects County Roads by County Councils and by District Councils with the consent of the County Council.

Enactment conferring powers.	Modification.
The Public Health Acts Amendment Act, 1890 (53 & 54 Vict. c. 59):	
s. 39	
s. 40	
s. 43	
The Public Health Acts Amendment Act, 1907 (7 Edw. 7. c. 53):	
s. 47	

Note.

A county council shall be entitled to exercise any functions under the enactments mentioned in this Schedule without the necessity of any resolution of adoption, or of any order or declaration of any Government Department; but, subject to the modifications contained in this Schedule, shall exercise the functions subject to the like right of appeal and other conditions as apply in the case of a district council.

The modifications of enactments contained in this Schedule shall not apply to district councils (except where a district council is in pursuance of Part III of this Act exercising the functions of a county council as agents for that council).

SECOND SCHEDULE.

Section 85.

Discontinued Grants.

1. The grants payable out of the Consolidated Fund or the growing produce thereof into the Local Taxation Account.

2. The grants in aid of certain health services, that is to say, grants for maternity and child welfare, other than the training of midwives and health visitors, grants for the treatment of tuberculosis, grants for the treatment of venereal diseases, grants for the welfare of the blind, and grants in respect of mental defectives.

2ND SCH. —*cont.*

3. Road grants, that is to say, grants made as classification grants in respect of roads and bridges classified by the Minister of Transport as roads and bridges of Class I. or Class II. in London and county boroughs, and as grants for the maintenance of unclassified roads in counties.

Section 85

THIRD SCHEDULE.

PROVISIONS AS TO CERTAIN PAYMENTS WHICH BEFORE THE APPOINTED DAY WERE PAYABLE OUT OF LOCAL TAXATION ACCOUNTS OR OUT OF MONEY WHICH WOULD HAVE BEEN PAYABLE TO THOSE ACCOUNTS OR WHICH WERE PAYMENTS REQUIRED TO BE CHARGED TO EXCHEQUER CONTRIBUTION ACCOUNTS.

Payments to Cattle Pleuro-Pneumonia Account.

1.—(1) If in any financial year the money standing to the credit of the Cattle Pleuro-Pneumonia Account of Great Britain is insufficient to defray the costs and expenses of the Diseases of Animals Acts, 1874 to 1927, made payable out of that account, an amount equal to the deficiency shall be paid out of moneys provided by Parliament and carried to that account; and accordingly so much of section eighteen of the Diseases of Animals Act, 1894, as limits the amount payable into that account out of moneys provided by Parliament and the proviso to subsection (1) of that section shall cease to have effect.

(2) The Treasury may at any time within any financial year temporarily advance to the said account out of the Consolidated Fund or the growing produce thereof such sums as may from time to time be required for the purpose of making any payments properly falling to be made out of that account, but any sums so advanced shall be repaid out of moneys provided by Parliament before the end of the said year.

Payments in respect of Rates on certain Tithe Rentcharges and Payments in lieu of Tithe.

2. The Commissioners of Church Temporalities in Wales as respects any tithe rentcharge or any payment in lieu of tithe which is vested in them under the Welsh Church Acts, 1914 and 1919, and as respects which they were at the appointed day liable to pay one-half only of any rate or part of a rate, and the owner

for the time being of any tithe rentcharge or payment in lieu of tithe as respects which the owner was at the appointed day liable to pay one-half only of any rate or part of a rate, shall continue to be liable to pay only one-half of the amount of any such rate or part of a rate which is assessed on them or him as owners or owner of any such tithe rentcharge or payment in lieu of tithe, and the remaining one-half shall on demand being made by the collector of the rate on the surveyor of taxes for the district, be paid by the Commissioners of Inland Revenue, and the sums so payable by the Commissioners shall be charged on and issued out of the Consolidated Fund or the growing produce thereof instead of being paid out of the sums which would have been payable to the Local Taxation Account.

Payments towards salaries of Medical Officers of Health, &c.

3 Every county council and county borough council shall continue to make the like payments as they were, before the appointed day, required to make under paragraph (*c*) of subsection (2) of section twenty-four of the Local Government Act, 1888; that is to say, they shall pay to every local authority for any area wholly or partly in the county or county borough by whom a medical officer of health or sanitary inspector is paid one-half of the salary of that officer, where his qualification, appointment, salary, and tenure of office are in accordance with the regulations made by order under the Public Health Act, 1875, or the Public Health (London) Act, 1891; but if the Minister certifies to the council that any such medical officer has failed to send to the Minister such report and returns as are for the time being required by the regulations respecting his duties made by order of the Minister under either such Act as aforesaid, or if the local authority have failed to comply with the provisions of the Public Health (Officers) Act, 1921, the said sum equal to one half of the salary shall be forfeited to the Crown and shall be paid to the Exchequer and not to the said local authority:

Provided that, where the area of any such local authority is not wholly comprised in one county or county borough, a certified proportionate part only of the sum otherwise payable shall be paid by the council of each such county or county borough.

Payments to Public Vaccinators.

4.—(1) Every county council and county borough council shall continue to make to public vaccinators the like payments as they were, before the appointed day, required to make to them under paragraph (*a*) of subsection (2) of section twenty-four of the Local Government Act, 1888; that is to say, they shall pay to every public vaccinator for a vaccination district wholly or partly

3RD SCH. —*cont.*

in the county or county borough, such sums as the Minister may from time to time certify to be due from the council in substitution for the payments to public vaccinators under section five of the Vaccination Act, 1867:

Provided that, where a vaccination district is not wholly comprised in one county or county borough, a certified proportionate part only of the sum otherwise payable shall be payable by the council of each such county or county borough to the public vaccinator.

(2) The Minister shall fix the amount due on the like principles and may impose the like conditions for the payment thereof as before the passing of the Local Government Act, 1888.

(3) The Minister may, if he thinks fit, vary a certificate granted for the purposes of this paragraph, but unless so varied it shall be conclusive.

Sections 90, 91, 92, 98, 109, 110, 134.

FOURTH SCHEDULE.

RULES FOR CALCULATIONS IN RESPECT OF GENERAL EXCHEQUER GRANTS.

Sections 92, 134.

PART I.

Rules for determining Losses on account of Rates.

1. There shall be estimated and certified as respects each rating area—

(*a*) the expenditure in respect of the standard year which would have fallen to be borne by rates levied in that area on the following assumptions:—

(i) that, elsewhere than in the County of London, section nine of the Rating and Valuation Act, 1925, and not paragraph 10 of the Seventh Schedule to that Act, had been in operation with respect to precepts issued by county councils; and

(ii) that the expenditure on the transferred services had been expenditure by a county council or a county borough council, and, in the case of a county, had been expenditure for general county purposes; and

(iii) that, in the case of the County of London, the London (Equalisation of Rates) Act, 1894, had not been in force in the standard year;

(*b*) the unreduced rateable value of the area;

(*c*) the reduced rateable value of the area;

(*d*) the difference between the unreduced rateable value and the reduced rateable value of the area; which difference increased by a percentage ascertained in the prescribed manner in respect of losses in the collection of rates is hereinafter referred to as "the loss of rateable value."

2. In estimating and certifying the expenditure on the transferred services by a county or county borough council for the purposes of the foregoing rule in any case where the area of a highway authority or poor law authority is not wholly comprised in one county or county borough, the expenditure of the authority shall be apportioned between the several counties and county boroughs into which the area extends, and the amount apportioned to any such county or county borough shall be deemed to be expenditure by the council of that county or county borough on the transferred services.

3. The loss on account of rates of a rating area shall be a sum bearing the same proportion to expenditure which would have fallen to be borne by rates as aforesaid as the loss of rateable value of the area bears to the unreduced rateable value thereof, and where a rating area comprises any separately rated area, the loss on account of rates in respect of the expenditure in regard to which the area is separately rated shall be separately determined in accordance with the rules contained in this Part of this Schedule.

4. The loss on account of rates of a county shall be the aggregate of the losses on account of rates of the several separate rating areas within the county, and where a rating area is partly in one and partly in another county, the part in each county shall be treated as if it were a separate rating area.

5. For the purpose of determining the loss on account of a special rate, the foregoing rules shall have effect as if—

(*a*) the expression "rates" meant such special rate;

(*b*) the expression "separately rated area" meant the area in which such special rate is levied;

(*c*) the reduced and unreduced rateable value of any hereditament to which subsection (2) of section three of the Rating and Valuation Act, 1925, applies, were one-fourth part thereof;

and the loss on account of the special rates of a district shall be the aggregate of the losses on account of special rates of the areas in which special rates are levied within the district.

6. For the purpose of determining the loss on account of a parish rate, the foregoing rules shall have effect as if the expression "rates" meant such parish rate, and the expression "separately rated area" meant the parish or the part of a parish in which such parish rate is levied; and the loss on account of

4TH SCH. —*cont.*

parish rates of a district shall be the aggregate of the losses on account of parish rates of the parishes or parts of parishes in which parish rates are levied within the district.

7. The loss on account of rates of the common council of the City of London and of a metropolitan borough council shall be determined in accordance with the foregoing rules, subject to the following modifications :—

(*a*) the expenditure to be estimated and certified shall be the expenditure of the council in respect of the standard year falling to be borne by rates;

(*b*) the loss of the council on account of rates shall be the aggregate of the losses on account of rates levied in respect of the expenditure of the council in the several separately rated areas within the city or metropolitan borough.

PART II.

Section 134.

Rules for Determining Losses on Account of Grants.

1. There shall be estimated and certified the amounts paid or payable in respect of the standard year to spending authorities within each county and county borough out of the discontinued grants, after deducting therefrom a sum equal to such part of the amounts paid or payable in respect of the standard year out of the Local Taxation Account or out of the proceeds of duties on local taxation licences levied and retained by the council of the county or county borough as was in pursuance of any statutory requirement applicable for the purposes of higher education or police services within the county or county borough :

Provided that—

(*a*) for the purposes of this rule, no part of the annual or additional annual grant made under the Agricultural Rates Acts, 1896 and 1923, shall be deemed to have been so applicable as aforesaid; and

(*b*) any financial adjustment between spending authorities in force with respect to the standard year, which affected the allocation of the amounts paid or payable to such authorities out of the discontinued grants, shall be taken into account in estimating the said amounts.

2. The amounts aforesaid shall be estimated and certified as if road grants had been made in respect of the standard year at the rates at which they were payable immediately before the appointed day.

3. In estimating and certifying the amounts aforesaid, in any case where the area for which a spending authority acts

4TH SCH. —*cont.*

is not wholly comprised in one county or county borough, the amount paid or payable to the spending authority out of the discontinued grants shall be apportioned between the several counties and county boroughs into which the area extends, and the amount apportioned to any county or county borough shall be deemed to be an amount paid or payable to a spending authority within that county or county borough.

4. The loss on account of grants of a spending authority shall be the amounts so estimated and certified as respects that authority, and the loss on account of grants of a county or county borough shall be the aggregate of the losses on account of grants of the spending authorities within the county or county borough.

5. For the purpose of the rules contained in this Part of this Schedule—

(*a*) the expression spending authorities shall include voluntary associations and joint authorities (including the receiver for the metropolitan police district) to which grants were paid or payable in respect of the standard year; and

(*b*) any grants paid or payable in respect of the standard year to the King Edward the Seventh Welsh National Memorial Association for the purposes of sanatoria or other institutions for the treatment of tuberculosis shall be treated as if they had been included among the amounts paid or payable out of the discontinued grants; and

(*c*) the area for which a voluntary association acts shall be determined by the Minister.

6. As respects the County of London—

(*a*) the Minister may by order determine the extent to which grants to voluntary associations in respect of maternity and child welfare services carried on by them are to be apportioned as if they had been grants to the London County Council, on the one hand, and to the common council and the metropolitan borough councils on the other hand;

(*b*) the loss on account of grants of the common council or of a metropolitan borough council shall be the loss on account of grants of the council as a spending authority, together with the loss of such part, if any, of the grants to voluntary associations as may be apportioned to the council under the last foregoing paragraph and the appropriate proportion of the loss on account of grants of the receiver for the metropolitan police district.

4TH SCH. —*cont.*

Sections 90, 98, 110, 134.

PART III.

Rules for determining Weighted Population.

1. The estimated population of the county or county borough in the appropriate year shall be increased—

(i) if the estimated number of children under five years of age per thousand of the estimated population exceeds fifty, by the percentage represented by the proportion which that excess bears to fifty;

(ii) if, according to the valuation lists in force on the appropriate date, the rateable value per head of the estimated population of the county or county borough is less than ten pounds, by the percentage represented by the proportion which the deficiency bears to ten pounds.

2. There shall be estimated and certified the average numbers during the three calendar years immediately preceding the beginning of each fixed grant period of unemployed insured men and of unemployed insured women resident in each county and county borough, and there shall be ascertained the percentage represented by the proportion which the number of unemployed insured men increased by ten per cent. of the number of unemployed insured women bears to the average estimated population of the county or county borough for those three years, and if as respects any county or county borough that percentage exceeds one-and-a-half, the estimated population of the county or county borough in the appropriate year as increased in accordance with Rule 1 contained in this Part of this Schedule shall be further increased by a percentage equal to the amount of such excess multiplied by the appropriate multiple.

3. There shall be ascertained and certified the number of miles of road in every county other than the county of London, and the estimated population of every such county as increased in accordance with Rule 1 contained in this Part of this Schedule shall be further increased—

(*a*) in the case of a county in which the estimated population per mile of roads is in the appropriate year less than one hundred, by the percentage represented by the proportion which the difference between two hundred and the estimated population per mile of roads bears to two hundred; and

(*b*) in the case of a county in which the estimated population per mile of roads is in the appropriate year one hundred or more, by the percentage represented by the proportion which fifty bears to the estimated population per mile of roads.

4. The estimated population of the county or county borough as increased in accordance with the provisions of the foregoing rules contained in this Part of this Schedule shall be the weighted population of the county or county borough.

4th Sch. —*cont.*

5. For the purposes of this Part of this Schedule:—

"The appropriate date" shall, as respects the first fixed grant period, be the first day of October nineteen hundred and twenty-nine, and as respects every other fixed grant period, the first, or in London the sixth, day of April in the last year of the preceding fixed grant period:

"The appropriate multiple" shall, as respects the first and second fixed grant periods, be ten, and as respects any subsequent fixed grant period be a number ascertained in the following manner:—

(i) the ratio which the total amount of the General Exchequer Contribution in the fixed grant period in question bears to the part thereof distributed in that fixed grant period under paragraph (*b*) of subsection (1) of section eighty-eight of this Act shall be ascertained:

(ii) the ratio which the total amount of the General Exchequer Contribution in the first fixed grant period bears to the part thereof distributed in that fixed grant period under the said paragraph shall be ascertained:

(iii) the required number shall be such number as bears to ten the same proportion as the ratio ascertained under paragraph (i) of this rule bears to the ratio ascertained under paragraph (ii) thereof.

Part IV.

Sections 91, 110.

Rules for calculating sums to be allocated to Districts on the basis of Population.

1. The number of pence produced by dividing one half of the total amount of the county apportionments (exclusive of any sums paid out of moneys provided by Parliament to make good a deficiency in any such apportionment) to counties other than London by the aggregate of the estimated populations of those counties in the appropriate year shall be ascertained to the nearest penny.

2. The amount to be allocated to an urban district shall be the number of pence ascertained under Rule 1 contained in this Part of this Schedule multiplied by the estimated population of the district in the appropriate year.

4TH SCH. —*cont.*

3. The amount to be allocated to a rural district shall be one-fifth of the number of pence ascertained under Rule 1 contained in this Part of this Schedule multiplied by the estimated population of the district in the appropriate year.

Sections 94, 96, 97, 100, 109.

FIFTH SCHEDULE.

RULES FOR ASCERTAINING GAINS AND LOSSES OF AREAS.

1. There shall be estimated and certified as respects each separately rated area the rate in the pound required to raise an amount certified as being the amount of the expenditure for the standard year falling to be borne by rates (other than special and parish rates) in that area on the assumptions that the rateable values of all hereditaments were the unreduced rateable values thereof, and that the expenditure on the transferred services was incurred by the various spending authorities as existing before the transfer of those services.

2. There shall be estimated and certified the rate in the pound which would be required to raise an amount certified as being the amount of such part of the expenditure for the standard year as would have fallen to be borne by rates (other than special and parish rates) in that area on the following assumptions—

(*a*) that the rateable values of all hereditaments were the reduced rateable values thereof; and

(*b*) that the expenditure on the transferred services was expenditure by the county council or the county borough council and in the case of a county was expenditure for general county purposes; and

(*c*) that the standard year was a year falling within the first fixed grant period and that the provisions of Part VI. of this Act, other than sections ninety-four, ninety-six, ninety-seven and one hundred had been in operation.

3. In estimating and certifying the expenditure on the transferred services by a county council or county borough council in any case where the area for which a highway authority or poor law authority acts is not wholly comprised in one county or county borough, the expenditure of the authority shall be apportioned between the several counties and county boroughs into which the area extends, and the amount so apportioned to any such county or county borough shall be deemed to be

expenditure by the council of that county or county borough on the transferred services. 5TH SCH. —*cont.*

4. The difference resulting from subtracting the rate under Rule 2 contained in this Schedule from the rate under Rule 1 contained therein shall be ascertained.

5. If as respects any area the difference is a plus quantity, the estimated proceeds of a rate equivalent to the difference levied on the reduced rateable value of the area shall be deemed to be the gain of the area.

6. If the difference is a minus quantity, the estimated proceeds of a rate equivalent to the difference levied on the reduced rateable value of the area shall be deemed to be the loss of the area.

7. For the purposes of these Rules, it shall be assumed that elsewhere than in the County of London section nine of the Rating and Valuation Act, 1925, and not paragraph 10 of the Seventh Schedule to that Act, was in operation with respect to precepts issued by county councils.

SIXTH SCHEDULE.

Section 113.

ADJUSTMENTS AND APPORTIONMENTS OF POOR LAW PROPERTY AND LIABILITIES.

Adjustment in respect of Institutional Property and Liabilities.

1. Except where the councils of the counties and county boroughs into which a poor law area extends agree that no adjustment in respect of institutional property and liabilities is necessary, such adjustment shall be made between the councils as they may agree or in default of agreement as the Minister may by order determine:

Provided that for the purposes of any agreement or order made under this paragraph the certificate of an officer of the Commissioners of Inland Revenue of the value of any institutional property shall be conclusive, and the costs of the valuation upon a scale to be prescribed by the Treasury shall be payable to the Commissioners by the councils concerned and shall be treated as an institutional liability attaching to the property valued.

Apportionment of or Adjustment in respect of Non-Institutional Property and Liabilities.

2.—(1) As soon as practicable after the appointed day the prescribed officer shall prepare in respect of each poor law area which was not wholly comprised within one county or county borough, and the district auditor for the audit district in which the poor law area was comprised shall certify to the councils of the

6TH SCH. —*cont.*

counties or county boroughs into which the area extended, a statement showing the value as at the appointed day of the non-institutional property and liabilities of the poor law authority, other than any right of recovery from any person of payments made or expenses incurred by the poor law authority by way of poor relief.

(2) The certificate of the district auditor shall be final and conclusive:

Provided that any such auditor may, if he thinks fit, give an interim or provisional certificate and may amend any final certificate given by him so far as appears to him necessary for the purpose of correcting any errors.

3. The property and liabilities of the poor law authority included in the said statement shall be apportioned on the basis of their values as at the appointed day between the several counties and county boroughs concerned in proportion to the reduced rateable values of the parts of the poor law area comprised in the several counties or county boroughs, or an adjustment in respect thereof on the like basis shall be made.

General.

4.—(1) Any sum required to be paid from one council to another for the purpose of effecting an adjustment under this Schedule may be paid either by way of annual payments or by way of a single payment.

(2) Any capital money paid to a council by way of apportionment or adjustment shall be treated as capital, and applied, with the sanction of the Minister, either in the repayment of debt or for any other purpose for which capital money may be applied, and any other money so paid shall be credited to the county fund or general rate fund of the borough.

5. For the purpose of this Schedule—

(*a*) "the prescribed officer" in relation to any poor law authority means the person who was immediately before the appointed day clerk to the authority or such other officer as may be designated for the purpose by the councils of the counties or county boroughs into which the poor law area extended, or failing agreement between those councils by the Minister; and

(*b*) references to a poor law area shall in relation to any time after the appointed day be construed as references to the area which immediately before the appointed day constituted the poor law area.

SEVENTH SCHEDULE.

Section 115.

PROVISIONS AS TO THE SALE, &c. OF PARISH PROPERTY.

1. The council, representative body or other persons in whom any parish property is vested may, with the approval of the Minister, and, where the property is held for the benefit of a rural parish, subject to the consent of the parish meeting of that parish, sell exchange let or otherwise dispose of the property:

Provided that in the case of a letting for a term not exceeding one year neither the approval of the Minister nor the consent of the parish meeting shall be necessary.

2. Where parish property is sold, the proceeds of sale, after deducting reasonable expenses, shall be applied in such manner as may be directed by the Minister either in repayment of debt, or for any purpose to the permanent advantage of the parish which may be approved by the Minister.

3. Where parish property is exchanged, the land taken in exchange shall be conveyed to the council body or persons in whom the parish property was vested on the trusts on which the land given in exchange was held, and the rents and profits of the land taken in exchange shall be applied to the same purposes as those to which the rents and profits of the land given in exchange would have been applicable.

4. If the parish property is let, the rents and profits thereof shall be applied for the benefit of the parish.

5. The provisions of this Schedule shall extend to property in which two or more parishes are jointly interested subject to the necessary modifications, and in particular to this modification, that the proceeds of the sale of such property or the rents and profits arising from the letting thereof, shall be divisible between the parishes interested in the property in such proportions as the Minister may determine.

6. Where in pursuance of this Schedule parish property is sold, exchanged, let or otherwise disposed of by a council or representative body or other persons, no instrument relating to the transaction shall be charged or chargeable with any stamp duty.

7. This Schedule shall apply to land to which the Sale of Exhausted Parish Lands Act, 1876, applies in like manner as it applies to parish property, subject, however, to the provisions of that Act.

Section 123.

EIGHTH SCHEDULE.

PROVISIONS AS TO THE DETERMINATION AND PAYMENT OF COMPENSATION TO OFFICERS.

1. For the purpose of determining whether compensation is payable to an officer and, if so, the amount of such compensation, regard shall be had to—

(*a*) the conditions upon which his appointment was made;

(*b*) the nature of his office or employment;

(*c*) the duration of his service;

(*d*) any additional emoluments which he acquires by virtue of this Act or of anything done in pursuance or in consequence of this Act;

(*e*) the emoluments which he might have acquired if he had not refused to accept any office offered by any council acting under this Act; and

(*f*) all the other circumstances of the case,

and the compensation shall not exceed the amount which under the Acts and Rules relating to Her Majesty's Civil Service which were in operation on the thirteenth day of August, 1888, would have been payable to a person on abolition of office.

2. Every person who claims to be entitled to compensation shall deliver to the council a claim on account of the emoluments for which he claims compensation, setting forth the whole amount received and expended by him or his predecessors in office, in every year during the period of five years next before the date on which the relinquishment of office or determination of appointment takes effect, or the direct pecuniary loss commences, as the case may be, distinguishing the offices in respect of which the emoluments have been received, and accompanied by a statutory declaration that the claim so delivered is a true statement according to the best of his knowledge, information and belief.

3. Every claim so delivered as aforesaid shall be submitted to the council, who shall forthwith take it into consideration, and assess the just amount of compensation (if any), and shall forthwith inform the claimant of their decision, and if a council fail to inform any claimant of their decision upon his claim within six months after it has been so delivered to them, the Minister may, on application made to him in that behalf by the claimant, direct the council to do so within such time, not being less than one month, as may be specified in the direction.

8th Sch. —*cont.*

4. Any claimant, if so required by any member of the council, shall attend at a meeting of the council, or of any committee appointed by the council for the purpose, and answer upon oath, which any justice present may administer, all questions asked by any member of the council or committee touching the matters set forth in his claim, and shall further produce all books, papers and documents in his possession or under his control relating to the claim.

5. In computing the service of any officer for the purpose of the award of compensation, the council shall take into account all the service of that officer after he attained the age of eighteen years under any local authority:

Provided that, where the officer held two or more offices and the claim to compensation is based on a loss of one or some only of those offices, account shall not be taken under this paragraph of service in an office which the officer continues to hold unless throughout the period of his service in that office he devoted the whole of his time to the duties of offices held by him under one or more local authorities.

6. If an appointment is determined by a council otherwise than at the expiration of a complete year of service of an officer, the portion then expired of that year shall be treated as a complete year where such portion exceeds six months, and shall be ignored where such portion does not exceed six months.

7. The compensation payable under this Act to an officer who immediately before the appointed day held two or more offices under any one or more local authorities and who devoted the whole of his time to the duties of such offices, shall not be reduced by reason of the fact that he has devoted only part of his time to each of such offices.

8. If any officer was temporarily absent from his employment during the late war whilst serving in His Majesty's forces, or the forces of the Allied or Associated Powers, either compulsorily or with the sanction or permission of the local authority, such period of temporary absence shall be reckoned as service under the authority in whose employment he was immediately before and after such temporary absence:

Provided that in the case of an officer who, after the armistice, voluntarily extended his term of service in the forces, no period of absence during any such extension shall be reckoned.

9. The council to whom application for compensation is made may, in their discretion and in consideration of the fact that any officer was appointed to his office as a specially qualified person, or that the officer before his appointment had been employed as a deputy, assistant or clerk by a permanent officer for the purpose of the discharge of his official duties, add any number of years (not exceeding ten) to the number of years which such officer would otherwise be entitled to reckon for

8TH SCH. —*cont.*

the purpose of computing the compensation to which he would be entitled under the Acts and rules relating to Her Majesty's Civil Service as applied by this Act.

10. The compensation shall not exceed two-thirds of the annual pecuniary loss suffered by virtue of this Act, or of anything done in pursuance or in consequence of this Act, or if the compensation is payable otherwise than by way of an annual sum, the capital value of such annual sum as might have been awarded.

11. No service of which account has been taken in assessing the compensation payable under this Act to an officer in respect of the determination or relinquishment of any appointment held by him shall, in the event of his accepting any other office after the commencement of this Act, be reckoned for the purpose of computing any sum payable in respect of that office under any superannuation scheme or other scheme for ensuring benefits to an officer on retirement whether under any enactment or otherwise.

12. The sum payable as compensation to any person in pursuance of this Schedule shall commence to be payable at the date fixed by the council on granting the compensation, or, in case of appeal, by the Minister, and shall be a specialty debt due to him from the council, and may be enforced accordingly in like manner as if the council had entered into a bond to pay the sum.

13. If a claimant is aggrieved by the failure of the council to inform him of their decision upon his claim within the time required by any directions of the Minister or by the refusal of the council to grant any compensation, or by the amount of compensation assessed, the claimant may, within three months after the failure, or after the date on which he receives notice of the decision of the council, as the case may be, appeal to the Minister, who shall consider the case and determine whether any compensation, and if so, what amount ought to be granted to the claimant, and his determination shall be final.

14. If a person receiving compensation under this Schedule is appointed to any office under the Crown or any local or other public authority, or by virtue of this Act, or anything done in pursuance of or in consequence of this Act, receives any increase of the emoluments of the office held by him, he shall not, while receiving the emoluments of that office, receive any greater amount of his compensation, if any, than with the emoluments of the said office, is equal to the emoluments for which compensation was granted to him, and if the emoluments of the office he holds are equal to or greater than the emoluments for which compensation was granted, his compensation shall be suspended while he holds that office.

8th Sch. —*cont.*

15. All expenses incurred by a council in connection with payment of compensation to any officer shall be payable as part of the general expenses of the council, and if any compensation is payable otherwise than by way of an annual sum, the payment of the compensation shall be a purpose for which the council may borrow, subject to the consent of the Minister, and upon such terms as he may authorise.

16. For the purposes of this Schedule—

(*a*) the expression " emoluments " includes fees and salaries; and

(*b*) the office of a registration officer or registrar of marriages shall be deemed to be an office held under a local authority; and

(*c*) the office of a teacher in a public elementary school maintained but not provided by a local education authority shall be deemed to be an office under the authority; and

(*d*) the expression " local authority " means any local authority as defined in section three of the Local Government and other Officers' Superannuation Act, 1922.

NINTH SCHEDULE.

Section 132.

Part I.

Transitional Provisions.

Transfer of Property.

1. Where any property is transferred by or in pursuance of Part VII. of this Act from one authority to another authority or body—

(*a*) the property shall, except as otherwise expressly provided, be held by the authority or body to whom it is transferred subject to all debts and liabilities affecting the property;

(*b*) the latter authority or body shall hold the property for the estate, interest, and purposes, and subject to the covenants, conditions, and restrictions for and subject to which the property would have been held if this Act had not been passed, so far as they are not modified by or in pursuance of Part VII. of this Act;

9TH SCH. —*cont.*

(*c*) if and so far as the property consists of stock, the provisions of the Local Government (Stock Transfer) Act, 1895, shall apply for the purposes of any such transfer in like manner as if the transfer had been made by virtue of the Local Government Act, 1894, with this modification, that for the reference to a certificate of the clerk of the county council there shall be substituted a reference to a certificate of the Minister.

Provisions as to existing Guardians and Rural District Councillors.

2.—(1) No election of guardians shall be held after the commencement of this Act and the term of office of guardians representing any area in a county borough or urban district or in the county of London and holding office at the commencement of this Act shall continue to the appointed day, and any casual vacancy occurring amongst those guardians may be filled by election by the board of guardians.

(2) Nothing in this Act shall affect the qualification of any person elected or nominated for election before the appointed day as a rural district councillor during the term of office for which he was so elected or nominated.

Settlement and Irremovability.

3.—(1) Every person who at the appointed day has, or is in the course of acquiring, a settlement in any parish by reason of residence, birth or other qualification therein, shall be deemed to have or to be in the course of acquiring a settlement in the county or county borough in which the parish is comprised.

(2) Every person who at the appointed day has, or is in the course of acquiring, a status of irremovability from a poor law union, shall be deemed to have or to be in the course of acquiring a status of irremovability from the county or county borough in which the poor law union is comprised, or if the poor law union is not wholly comprised within one county or county borough, from the county or county borough in which is comprised the part of the poor law union by reason of residence wherein the status of irremovability was, or was in the course of being, acquired.

(3) For the purposes of sub-paragraph (2) of this paragraph, consecutive periods of residence in two or more places within any poor law union which is not wholly comprised within one county or county borough shall be aggregated and reckoned as continuous residence in that part of the poor law union in which the person so resided immediately before the appointed day.

9th Sch. —*cont.*

Outstanding Precepts and Audit of Accounts.

4.—(1) All precepts for contributions issued before the appointed day and not discharged before that day shall be payable to the appropriate council by the rating authority.

(2) The accounts of all receipts and expenditure before the appointed day shall be audited, and disallowances, surcharges, and penalties recovered and enforced, and other consequential proceedings had, in like manner as nearly as may be as if this Act had not been passed, but as soon as practicable after the appointed day, and every authority, committee, or officer whose duty it is to make up any accounts, or to account for any portion of the receipts or expenditure in any account shall, until the audit is completed, be deemed for the purpose of such audit to continue in office, and be bound to perform the same duties and render the same accounts and be subject to the same liabilities as before the appointed day:

Provided that any sum certified to be due from any person by the district auditor at the audit shall be paid by that person to the appropriate council.

Provisions when liability for loan is transferred to the council who made the loan.

5. Where the liabilities of an authority transferred to a council under Part VII. of this Act comprise a liability on account of money advanced by that council to the authority, the Minister may make such orders as he thinks fit for providing for the repayment of any debts incurred by the council for the purposes of those advances within a period fixed by the order, and, where the money advanced to the authority was money standing to the credit of any sinking fund or capital money applied under the Local Government Acts, 1888 and 1894, or either of them, for the repayment to the proper fund or account of the amount so advanced.

51 & 52 Vict. c. 41.
56 & 57 Vict. c. 73.

Provisions as to Loans of Rural District Councils for special Expenses.

6. As from the appointed day, any sum borrowed or reborrowed before that date by the council of a rural district on the credit of any rate out of which special expenses of the council are payable shall be deemed to have been borrowed also upon the credit of any moneys from time to time received by the council under this Act and applicable for the purposes for which the loan was contracted, and any mortgage for the purpose of securing the repayment of any sum so borrowed with interest thereon shall have effect accordingly.

9TH SCH. —*cont.*

Saving for Pending Contracts, Legal Proceedings, &c.

7.—(1) All proceedings, legal and other, begun before the appointed day, may be carried on in like manner, as nearly as may be, as if this Act had not been passed, and any such proceeding may be amended in such manner as may appear necessary or proper in order to bring it into conformity with the provisions of this Act, and of any order or scheme made thereunder.

(2) Any cause of action by or against any authority which exists at the appointed day in relation to any functions, liabilities, debts or property transferred by this Act to a council shall not be prejudicially affected by the passing of this Act, but may be prosecuted and enforced by or against the council as successors of the authority from whom the transfer was made.

(3) All contracts, deeds, bonds, agreements, notices, and other instruments affecting any functions, liabilities, debts, or property transferred by this Act and subsisting at the appointed day, shall be of as full force and effect against or in favour of the council to whom the transfer was made, and may be enforced as fully and effectually as if, instead of the authority named in the instrument, the council to whom the transfer was made had been a party thereto.

Provisions as to Metropolitan Common Poor Fund.

8.—(1) Section one of the Local Authorities (Emergency Provisions) Act, 1923, which provides for the temporary extension of charges on the Metropolitan Common Poor Fund, shall as amended by any subsequent enactment have effect as if for references therein to the first day of April, nineteen hundred and thirty-two, there were substituted references to the commencement of the financial year ending immediately before the appointed day.

(2) No expenditure incurred by any poor law authority in London in respect of the financial year ending immediately before the appointed day shall be repayable to the authority out of the Metropolitan Common Poor Fund, and as soon as practicable after the appointed day the fund shall be wound up and the balance standing to the credit of the fund shall be paid to the London County Council.

PART II.

TEMPORARY PROVISIONS.

Amendment of Special Lists made under 18 *and* 19 *Geo. V., c.* 44, *and Consequential Amendment of Valuation Lists.*

1.—(1) When a draft special list for a rating area has been deposited in accordance with the First Schedule to the Rating

and Valuation (Apportionment) Act 1928, then, without prejudice to the provisions of that Schedule as to the making of objections and applications, an objection to the list as deposited with, or as approved by, the assessment committee, may be lodged with that committee at any time before the first day of October, nineteen hundred and twenty-nine, by the persons and on the grounds hereinafter mentioned, and the provisions of the said Schedule relating to objections and to appeals shall apply thereto.

(2) Such an objection as aforesaid may be lodged—

(*a*) in the case of a hereditament in respect of which no claim for its inclusion in the special list has been made under the said Schedule, by the occupier or owner thereof on the ground that the hereditament ought to be inserted in the list; and

(*b*) in the case of a hereditament included in the special list, by the occupier or owner thereof on the ground that any value appearing in the list in respect of the hereditament is incorrect or unfair, and by the rating authority or, where he considers the value excessive, by the revenue officer on the same ground, notwithstanding that the value objected to may have been inserted in the list by or with the approval of that authority or officer.

A notice of objection on the ground that a hereditament ought to be inserted in the special list shall contain such particulars as would have been required by or under the said Schedule in the case of a claim for the inclusion of the hereditament in the draft special list before that list was deposited.

(3) Any amendment of a special list made in consequence of any such objection lodged as aforesaid which is not determined until after the thirtieth day of September, nineteen hundred and twenty-nine, shall be deemed to have been made upon that date.

(4) The gross value, if any, and the net annual value appearing in respect of any hereditament in a special list for any rating area outside the County of London approved in accordance with the First Schedule to the Rating and Valuation (Apportionment) Act, 1928, shall be taken to be the gross value and the net annual value of that hereditament for the purposes of the current valuation list, and, accordingly, the assessment committee, upon approving the special list and thereafter upon making any amendment thereof, shall make or cause to be made in the valuation list the necessary amendments (including any necessary amendments of rateable values), and those amendments shall have effect as if made in consequence of a proposal for the amendment of the valuation list served upon the rating authority on or before the thirtieth day of September, nineteen hundred and twenty-nine.

9TH SCH. —*cont.*

Amendment of Valuation Lists in London.

2.—(1) In respect of the period of twelve months beginning on the first day of October, nineteen hundred and twenty-nine, the following provisions shall have effect in relation to hereditaments in the County of London,—

(*a*) as respects any hereditament which has become or ceased to be an agricultural, industrial, or freight transport hereditament at any time before the first day of October, nineteen hundred and twenty-nine, subsection (1) of section seventy of this Act shall have effect as if the words "in the course of any year" were omitted therefrom; and

(*b*) a provisional list made by virtue of the said subsection and sent to the assessment committee before the sixth day of April, nineteen hundred and thirty, or sent to them in compliance with a requisition served on the rating authority before that date, shall have effect as from the date on which the hereditament became or ceased to be an agricultural, industrial, or freight transport hereditament, as the case may be, or as from the first day of October, nineteen hundred and twenty nine, whichever is the later.

(2) If any person, being a person entitled to object to a provisional list, is aggrieved by any decision of the assessment committee with respect to such a provisional list as aforesaid sent to them before the first day of October, nineteen hundred and thirty, or sent to them in compliance with a requisition served on the rating authority before that date, or if any person by whom a requisition for such a list has been so served is aggrieved by the failure of the rating authority to comply therewith within six weeks after the service thereof, he may appeal to quarter sessions, and notwithstanding anything in section forty-two of the Valuation (Metropolis) Act, 1869, notice of any such appeal shall be given within twenty-eight days after the decision or failure, as the case may be, and any such appeal may be heard by quarter sessions at any date but, save as aforesaid, such appeals shall be made in like manner and the decision thereon shall have the like effect as in the case of appeals against decisions of the assessment committee on objections to new valuation lists.

(3) In the case of any hereditament included in a provisional list as respects which a right of appeal to quarter sessions is given by this paragraph so much of paragraph (10) of section forty-seven of the Valuation (Metropolis) Act, 1869, as provides for repayments and allowances if the value of the hereditament included in a provisional list is reduced when the next revision of the valuation list takes place shall not apply.

Totals of Values in London.

3. For the purpose of totals of values in the county of London, any amendment made in a valuation list in force on the first day of October, nineteen hundred and twenty-nine, on the ground that a hereditament was or was not on that date an agricultural, industrial, or freight transport hereditament shall, if made by means of a special list prepared in accordance with the Rating and Valuation (Apportionment) Act, 1928, or by means of a provisional list sent to the assessment committee before the first day of October, nineteen hundred and thirty, or sent to them in compliance with a requisition served on the rating authority before that date, have effect notwithstanding anything in subsection (11) of section forty-seven of the Valuation (Metropolis) Act, 1869, as if it had been made by a supplemental list coming into force on the sixth day of April, nineteen hundred and thirty.

Provisions as to Revenue Officer.

4. Where any proposal for the amendment of a valuation list or the making of any provisional list involves a question whether a hereditament ought to be shown in any such list as having been on the first day of October, nineteen hundred and twenty-nine, an agricultural, industrial, or freight transport hereditament, the revenue officer shall, save that he shall not be entitled to contend that the gross value or net annual value of a hereditament as a whole ought to be increased, have the like rights with respect to receiving copies of provisional lists and of proposals and notices in connection therewith, making and opposing objections thereto, and appearing upon any proceedings relating thereto, and with respect to appealing and receiving notices of and resisting appeals as if he were the occupier of the hereditament.

5. In this Part of this Schedule the expression "revenue officer" has the same meaning as in the First Schedule to the Rating and Valuation (Apportionment) Act, 1928.

Supplemental Lists in London.

6. Notwithstanding anything in subsection (2) of section one of the Rating and Valuation (Apportionment) Act, 1928, it shall not be necessary for an agricultural, industrial or freight transport hereditament to be distinguished as such in any supplemental list which will come into force in the County of London on the sixth day of April, nineteen hundred and thirty, and nothing contained in any such supplemental list shall operate to alter the valuation list in force immediately before the said date as respects any hereditament which in that valuation list is so distinguished as aforesaid.

Section 132.

TENTH SCHEDULE.

ADAPTATION OF ENACTMENTS.

General Adaptations.

1. Subject to the provisions of this Schedule, references in any enactment so far as it applies to England to any of the terms mentioned in the first column of the following table shall be construed as references to the terms mentioned in the second column thereof.

Reference.	Adaptation.
Board of Guardians - - -	Council of a county or county borough.
Board of management *or* managers of a school district.	Council of a county or county borough.
Chargeability for any poor law purpose to any parish, township or place, *or* to a parish or union, *or* to a union or parish, *or* to the common fund of a union.	Chargeability to a county or county borough.
Clerk to the guardians - -	Clerk of the county council or town clerk of the county borough, or such other officer as may for the purpose be appointed or designated by the council.
Common fund of the union *or* fund of the board of guardians for a single parish.	County fund or general rate fund of the county borough.
District school *or* district poor law school.	Separate school.
Guardian—as an individual -	Member of the council of a county or county borough.
Guardians—as a corporate body -	Council of a county or county borough.
Medical officer of a board of guardians *or* of a union.	Poor law medical officer of a county or county borough.
Officer of a board of guardians *or* guardians *or* officer of a union or other area for which a board of guardians are constituted.	Officer concerned with the relief of the poor.
Parish—as the area for which a board of guardians are constituted.	County or county borough.

10TH SCH. —*cont.*

Reference.	Adaptation.
Parish—as the area in which a settlement is acquired or derived.	County or county borough.
Parochial relief - - - -	Poor relief.
Poor law union - - - -	County or county borough.
Treasurer of a poor law union -	County treasurer or treasurer of a county borough.
Union *or* other area for which a board of guardians are constituted.	County or county borough.
Union or parochial relief - -	Poor relief.

2. References in any enactment to subsection (2) of section eleven of the Local Government Act, 1888, shall be construed as references to the provisions of this Act relating to the rights of certain urban district councils to maintain county roads.

3. Where by any enactment any forms are prescribed, the Minister may by order make such adaptations thereof as may appear to him to be necessary for the purpose of bringing the forms into conformity with this Act.

4. The Minister may by order made on the application of any council exercising functions under this Act make such amendments or adaptations of any local Act as may appear to him to be necessary for the purpose of bringing any provision of that Act into conformity with the provisions of this Act and any such order shall be laid before Parliament as soon as may be after it is made.

Special Adaptations.

5. Section twenty-three of the Metropolitan Police Act, 1829 (which prescribes the basis on which sums required for the purposes of the Metropolitan police are to be raised) shall have effect as if there were therein substituted for the words from "shall not exceed" to "county rate" the words "shall be assessed on the rateable value of all hereditaments within the parish, township, precinct, or place as appearing in the valuation list for the time being in force." 10 Geo. 4. c. 44.

6. In section three of the Marriage Act, 1836, section seven of the Births and Deaths Registration Act, 1836, and section twenty-seven of the Births and Deaths Registration Act, 1837, references to the union, parish or place for which a superintendent registrar is appointed shall be construed as references to the registration district.

7. In section nine of the Births and Deaths Registration Act, 1836, after the words "register office" there shall be inserted the words "for each registration district."

10TH SCH. —*cont.*

8. References in sections one hundred and eighty-nine and one hundred and ninety-one of the Public Health Act, 1875, to officers any portion of whose salary is paid out of moneys provided by Parliament shall be construed as references to officers in respect of whose salaries payment is made by a county council or county borough council in pursuance of this Act.

9. The power of a rural district council under section two hundred and thirty-three of the Public Health Act, 1875, as amended or applied by any subsequent enactment, to borrow or reborrow sums on the credit of a special rate and to mortgage any such rate, shall include power to borrow or reborrow on the credit of, and for that purpose to mortgage, any moneys from time to time received by the council under this Act and applicable for the purpose for which the loan is contracted.

41 & 42 Vict. c. 77.

10. Section sixteen of the Highways and Locomotives (Amendment) Act, 1878, shall have effect as if the words "in pursuance of this Act" were omitted therefrom.

47 & 48 Vict. c. 64.

11. In subsection (1) of section ten of the Criminal Lunatics Act, 1884, for the words "union or parish" the word "place" shall be substituted.

12. In the Lunacy Act, 1890, the following adaptations shall be made—

(*a*) from subsection (3) of section twenty-seven the words "in which the place" shall be omitted and in that subsection, for the words "the parish in which he is adjudged to be settled is situate" there shall be substituted the words "to the county or county borough in which he is adjudged to be settled";

(*b*) from subsection (3) of section two hundred and eighty-three the words "or settled in" shall be omitted and the words "or settled in the county or county borough to which the asylum belongs" shall be added at the end of the subsection;

(*c*) section two hundred and ninety, which enables a pauper lunatic, whose settlement cannot be ascertained, to be adjudged chargeable to a local authority, shall cease to have effect, without prejudice to the effect of any order made under that section which is in force on the appointed day.

13. In the Lunacy Act, 1891, the following adaptations shall be made—

(*a*) a direction under subsection (2) of section two may authorise one relieving officer to discharge the duties of a relieving officer in respect of lunatics throughout any specified portion of a county or county borough;

(*b*) for section six the following section shall be substituted : 10TH SCH. —*cont.*

"Where a workhouse is not situate within the county or county borough to which the workhouse belongs, a summary reception order made by a justice of the county or county borough in which the workhouse is situate may order a lunatic in the workhouse to be received in any asylum in which pauper lunatics chargeable to the county or county borough to which the workhouse belongs may legally be received" ;

(*c*) section twenty-five (which enables the chairman of a board of guardians to be authorised to sign reception orders in respect of pauper lunatics) shall cease to have effect.

14. The right of a rural district council under subsection (3) of section fifty-nine of the Local Government Act, 1894, to use for their meetings and proceedings the board room and offices of any board of guardians for the union comprising the district, shall be restricted to premises which, at the passing of this Act, are used by a rural district council under that subsection :

Provided that a county council on giving not less than three months' notice to the rural district council may determine the use of the premises by the district council, but in such case the county council shall if the district council so require provide other suitable accommodation for the purposes aforesaid, and if any difference arises between a county council and a district council as to the suitability of the accommodation proposed to be provided by the county council, the difference may, on the application of either party, be decided by the Minister.

15. For subsection (2) of section one hundred and twenty-two of the Education Act, 1921, there shall be substituted the following subsection :—

"(2) Subject to the foregoing provisions of this section as to consultation before charging certain expenses on certain areas, any charge or allocation of expenses made by a county council under this section or under any corresponding enactment repealed by this Act may at any time be cancelled or varied by the county council."

16. As from the first day of October, nineteen hundred and twenty-nine, section ten of the Allotments Act, 1922, shall not apply to land which is agricultural land within the meaning of Part V. of this Act. 12 & 13 Geo. 5, c. 51.

17. As from the first day of October, nineteen hundred and twenty-nine, the relief to occupiers of agricultural hereditaments granted by this Act shall not be taken into account by an arbitrator in determining for the purposes of section twelve of

10TH SCH. —*cont.*

the Agricultural Holdings Act, 1923, what rent is properly payable in respect of a holding.

18. For the purpose of determining under section one or section two of the Education (Institution Children) Act, 1923, the area in which the place of settlement of a child is situated, the place of settlement shall be deemed to be the parish which would have been the place of settlement if this Act had not been passed.

19. Paragraph (*b*) (i) of subsection (1) of section two of the Teachers (Superannuation) Act, 1925, shall have effect as if after the words "public elementary school" there were inserted the words "or, after the first day of April, nineteen hundred and thirty, in or in connection with a poor law school."

20. Subsection (2) of section seventeen of the Tithe Act, 1925, shall, for the purposes of any application for the redemption of any lay tithe rentcharge on any land made by the owner of the land on or after the first day of October, nineteen hundred and twenty-nine, have effect as if—

(*a*) for the words "then if the land charged with the tithe rentcharge, except so far as it consists of buildings in the same occupation, is agricultural land for the purposes of the Agricultural Rates Act, 1896," there were substituted the words "then, if and so far as the land charged with the tithe rentcharge is agricultural land or agricultural buildings within the meaning of Part V. of the Local Government Act, 1929,"; and

(*b*) for the words "any rate to which the Agricultural Rates Act, 1896, applies," there were substituted the words "any general rate (including any additional item thereof)"; and

(*c*) there were inserted at the end of the subsection the following words:—

"In relation to any period before the date on which the first general rate under the Rating and Valuation Act, 1925, became leviable in the rating area in which the land is situate, the reference in this subsection to a general rate shall be construed as a reference to any rate to which the Agricultural Rates Act, 1896, applied during the said period in that area."

21. In the Poor Law Act, 1927, the following adaptations shall be made—

(*a*) for subsection (1) of section two the following subsection shall be substituted:

"(1) The law relating to the relief of the poor shall be administered locally by councils of counties and county boroughs, and in the administration thereof a member of a county council or county

borough council, or a committee or sub-committee of such a council, shall not, save as otherwise expressly provided by this Act, or any rules, orders or regulations of the Minister made thereunder, be capable of acting by virtue of his office except at a meeting of the council, committee or sub-committee";

(*b*) section six, as applied by subsection (4) of section twenty-four of the Local Government Act, 1894, shall have effect as if the words "or, in the case of a guardian for "a parish wholly or partly situate within a borough, "is qualified to be elected a councillor for that borough" were omitted therefrom;

(*c*) nothing in sections twenty-nine to thirty-two or in section two hundred and twenty-four shall apply to officers appointed by the council of a county or county borough under any Act other than the Poor Law Act, 1927;

(*d*) from subsection (1) of section forty-six, the words "for "the district wherein the poor law union or the greater "part thereof is comprised" shall be omitted;

(*e*) from subsection (1) of section forty-nine, the words "a majority of" shall be omitted;

(*f*) from section fifty-two, there shall be omitted, in proviso (i) thereof, the words "in the interval between their meetings," and in proviso (ii) thereof, the words "the "board of guardians are not sitting or";

(*g*) in subsection (1) of section seventy-three, for the words "poor law union" there shall be substituted the words "county or county borough or in any part thereof";

(*h*) in subsection (2) of section eighty-eight, there shall be substituted for the words "one of their number" the word "person";

(*i*) in paragraph (*b*) of section one hundred and sixteen for the words "comprising the parish" there shall be substituted the words "to which he was ordered to be removed";

(*j*) in subsection (1) of section one hundred and twenty-three, for the words "the workhouse of the last-mentioned board" there shall be substituted the words "any workhouse of the last-mentioned council or, if "any particular workhouse has been designated for the "purpose by them, at that workhouse," and from subsection (2) of the said section, the words "guardian "or" shall be omitted;

(*k*) in paragraph (*a*) of subsection (5) of section one hundred and twenty-four, for the words "in the county court

10TH SCH. —*cont.*

" within whose district their poor law union or the " greater part thereof is situated" there shall be substituted the words "in any county court the " district whereof is wholly or partly comprised in their " county or county borough";

(*l*) in subsections (1) and (4) of section one hundred and twenty-eight, for the words " the workhouse," wherever those words occur, there shall be substituted the words " any workhouse";

(*m*) from section one hundred and seventy-two the word " chargeability" shall be omitted, and for the words " poor law union" there shall be substituted the word " parish";

(*n*) from subsection (1) of section one hundred and eighty-six, the words " and where meetings of the dispensary committee may be held" shall be omitted;

(*o*) in section two hundred and nine for the words from " a school or asylum" to the end of the section the words " a separate school" shall be substituted;

(*p*) from section two hundred and ten, the words " or a " dispensary committee," and the words " dispensary " committee" shall be omitted;

(*q*) in section two hundred and twenty-two for the words " and any parochial and other local meeting" the words " or committee or sub-committee" shall be substituted;

(*r*) for section two hundred and twenty-five, the following section shall be substituted:

> " A certificate of chargeability in such form as may be prescribed by order of the Minister, or in a form to the like effect, may be issued by the council of any county or county borough, and every such certificate purporting to be signed by the clerk of the council shall, unless the contrary is shown, be sufficient evidence of the truth of all the statements contained therein, and shall, within the period of twenty-one days from the date of the certificate, be received in evidence accordingly by all courts of law and all justices and for all purposes without proof of the signature or of the official character of the person signing it."

22. The provisions of the Poor Law Act, 1927, with respect to the qualification, election and term of office and retirement of

guardians and to the qualification of the chairman of a board of guardians shall, as applied by subsection (4) of section twenty-four of the Local Government Act, 1894, to district councillors and to the chairman of a district council of a rural district, have effect as if for references therein to "a guardian," "guardians," "guardians of a poor law union," and "members of a board of guardians," there were substituted references to a "rural district councillor" or "rural district councillors," as the case may require, as if for references to "board of guardians" there were substituted references to "rural district council," and as if for references to "union" or "poor law union" there were substituted references to "rural district."

Special adaptations applying to the County of London.

23.—(1) References in any other enactment to the Metropolitan Asylum District or to an asylum district, shall be construed as references to the County of London, and references in any other enactment to the Metropolitan Asylum Managers or Metropolitan Asylums Board, or to an asylum board or managers of an asylum district constituted under the Poor Law Act, 1927, or under any enactment repealed by that Act, shall be construed as references to the London County Council.

(2) References in any enactment to asylums or hospitals under the Metropolitan Poor Act, 1867, or provided by the Metropolitan Asylum Managers or by an asylum board, shall be construed as references to asylums and hospitals provided for the county of London under the Poor Law Act, 1927, or any enactment repealed by that Act.

24. In the application to the county of London of—

(*a*) the Births and Deaths Registration Acts, 1836 to 1926;

(*b*) the Vaccination Acts, 1867 to 1907;

(*c*) the Valuation (Metropolis) Act, 1869, and any enactment thereby applied to the county of London or amending that Act; and

(*d*) any rule, regulation, byelaw, order or award made under any Act or enactment mentioned in this paragraph;

references therein to any of the terms mentioned in the first column of the following table shall be construed as references to the terms mentioned in the second column thereof.

10TH SCH. —*cont.*

Reference.	Adaptation.
Board of guardians - -	Common council and council of a metropolitan borough.
Clerk to the guardians - -	Town clerk of the city of London or metropolitan borough, or such other officer as may for the purpose be appointed or designated by the council.
Common fund of the union *or* fund of the board of guardians for a single parish.	Fund out of which the general expenses of the common council or council of a metropolitan borough are payable.
Guardian—as an individual -	Member of the common council or council of a metropolitan borough.
Guardians — as a corporate body.	Common council and council of a metropolitan borough.
Poor law union - - - -	City of London or metropolitan borough.
Union *or* other area for which a board of guardians are elected.	City of London or metropolitan borough.

25. The last foregoing paragraph shall not affect the construction of the words "guardians and officers of guardians" in section five of the Vaccination Act, 1871, or of the words "medical officer of any board of guardians" in section thirteen of that Act.

Savings.

26. The adaptations effected by this Schedule shall not—

(*a*) affect the authorities by whom the provisions of the Public Health (London) Act, 1891, are to be executed or the manner in which their expenses are to be defrayed; or

(*b*) affect the manner in which any precept for the payment of the expenses of a parish council or parish meeting is to be enforced.

ELEVENTH SCHEDULE.

Section 136.

Provisions for securing allowance of Rebates to Selected Traffics corresponding to Rate-relief of certain Companies.

Part I.

Provisions as to Allowance of Rebates and Reimbursement of Companies out of Rate-relief.

1. The companies to which this Schedule applies are:

(*a*) every railway company for which a schedule of standard charges has been settled under the Railways Act, 1921, or to which such a schedule is for the time being applied under section thirty-three of that Act, being a company whereof the railway is used for the conveyance of merchandise otherwise than by passenger train or carriage; and

(*b*) every light railway company, being a company whereof the light railway is used as a public railway for the conveyance of merchandise otherwise than by passenger train or carriage;

and such companies are in this Schedule referred to as "the companies."

2. There shall be established and maintained a fund to be called the "Railway Freight Rebates Fund" (hereinafter referred to as "the fund") which shall be administered and controlled subject to the provisions of this Schedule by the Railway Clearing House, and as from the first day of October, nineteen hundred and twenty-nine, each of the companies shall, by equal monthly instalments beginning on the fifteenth day of November, nineteen hundred and twenty-nine, pay to the fund in respect of every year sums equal in the aggregate to the estimated rate relief of the company in that year; and as soon as the difference, if any, between the actual rate relief of a company in any year and the estimated rate relief of the company in that year has been ascertained, a sum equal to the difference shall be paid by way of adjustment out of the fund to the company or by the company to the fund, as the case may require.

3. The companies shall jointly, on or before the first day of June, nineteen hundred and twenty-nine, prepare and submit to the tribunal a scheme (hereinafter referred to as "the scheme") providing for the allowance by the companies of rebates from the carriage charges made by them in respect of the selected traffics, calculated in manner hereinafter appearing:

Provided that a scheme shall be deemed to have been prepared and submitted to the tribunal by the companies

11TH SCH. —*cont.*

jointly if it has been prepared and so submitted by or on behalf of companies (being companies to which this Schedule applies) of which the aggregate total expenditure on capital account is not less than ninety per cent. of the aggregate total expenditure on capital account of all the companies.

4. If the scheme so provides there shall, in every year, be set aside in the fund for the purpose of meeting any deficiency therein at the end of the year a contingency reserve of such an amount, not exceeding five per cent. of the aggregate of the sums paid and payable into the fund in respect of that year under paragraph 2 of this Part of this Schedule, as the scheme may determine.

5.—(1) There shall in respect of every year be paid out of the general moneys of the fund—

(*a*) in respect of administrative expenses, a sum equal to one-half of one per cent. of the aggregate of the estimated rate relief of the companies in respect of that year or such higher percentage thereof as the tribunal may allow on application in that behalf being made by the companies; and

(*b*) any interest payable on sums borrowed by the Railway Clearing House in accordance with the provisions of this Schedule; and

(*c*) to each of the companies a sum, determined in accordance with the provisions of the scheme, equal to the amount of the rebates allowed by the company under the scheme in respect of selected traffics delivered in that year for conveyance by railway.

(2) Out of the sum payable under sub-paragraph (1) (*a*) of this paragraph there shall be allocated and paid to the Railway Clearing House a sum equal to the amount of the administrative expenses incurred by them in that year in giving effect to the provisions of this Schedule and the balance shall be appropriated for the purpose of meeting the expenses of the companies incurred in that year under or for the purposes of the scheme and shall be apportioned between the companies and paid to them in proportion to the rebates respectively allowed by them under the scheme.

6.—(1) The rebates provided for by the scheme shall be so calculated, as nearly as may be, that—

(*a*) the aggregate of the rebates in respect of the group of selected traffics contained in Part II. of this Schedule will amount annually to a sum equal to one-fifth of the annual net revenue of the fund; and

(*b*) the aggregate of the rebates in respect of the group of selected traffics contained in Part III. of this Schedule will amount annually to a sum equal to seven-tenths of the annual net revenue of the fund; and

11TH SCH. —*cont.*

(*c*) the aggregate of the rebates in respect of the group of selected traffics contained in Part IV. of this Schedule will amount annually to a sum equal to one-tenth of the annual net revenue of the fund.

(2) The scheme shall make provision for securing that the rebates in respect of the selected traffics contained in each of the several groups, other than rebates from tolls, will be at a uniform rate and that rebates from any toll in respect of the selected traffics shall be such percentage of the toll as may be determined by the scheme.

(3) In preparing the scheme—

(*a*) the receipts of the companies in respect of the several selected traffics shall, for the purpose of calculating the rebates to be allowed under the scheme, be taken to be those estimated for the year nineteen hundred and twenty-seven; and

(*b*) the rate-relief of the companies in the year beginning on the first day of October, nineteen hundred and twenty-nine, shall be taken to be of such amount as may be estimated by the companies.

(4) The scheme shall provide for the manner in which the rebates thereby provided for are to be allowed, and for the time at which payments or instalments of payments are to be made out of the fund to the companies, and contain such supplemental and consequential provisions as may be necessary for giving effect to the objects of this Schedule, and, in particular, may make provision for enabling rebates to be allowed in respect of merchandise consigned as being intended to be so used, shipped or delivered as to constitute it a selected traffic, before it has been so used, shipped or delivered, and may contain provisions enabling the Railway Clearing House to remit any repayment due to the fund by any company in respect of any amount allowed in error by the company in excess of the rebates required by the scheme if the Railway Clearing House are satisfied that all proper precautions were taken by the company to avoid such errors and that recovery by the company of the amount allowed in excess is not reasonably practicable.

(5) The scheme shall make provision for apportioning the rebates to be allowed among the carriage charges made in the following cases:—

(*a*) in respect of coal delivered to a washery, coke oven, or patent fuel works, from two or more collieries where the coal is so mixed that it cannot be identified as being consigned from any one colliery and a part only of the coal, or of the resultant coke, or patent fuel is a selected traffic; and

11TH SCH. —*cont.*

(*b*) in respect of coal shipped coastwise where the coal is so mixed that it cannot be identified as being consigned from any one colliery and a part only thereof is exported;

and may provide for any certificates necessary for such apportionment being obtained by the companies and for the allowance of rebates apportioned upon the basis thereof, subject to occasional verification of the facts thereby certified.

7.—(1) Printed copies of the scheme as submitted to the tribunal shall be made available by the companies for purchase at such places and at such price as the tribunal may direct, and notice of the places and price at which such copies may be purchased shall be published in the London and Edinburgh Gazettes. Not less than twenty-one days after the publication of the said notices the tribunal shall consider the scheme, and, after hearing any of the companies or any representative body of traders interested which may be desirous of being heard, shall have power to make such modifications therein, if any, as the tribunal think necessary or desirable, and upon receiving a certificate, as respects England from the Minister of Health and as respects Scotland from the Secretary of State, showing the amount estimated by them respectively as being the estimated rate-relief of the companies in the year beginning on the first day of October, nineteen hundred and twenty-nine, shall adopt the estimates shown by the certificates and shall make such modifications in the scheme as may be thereby rendered necessary.

(2) After making such modifications in the scheme as the tribunal are hereinbefore required to make and any other modifications which they think necessary or desirable, and upon being satisfied that the scheme complies with the requirements of this Schedule, the tribunal shall, not later than the thirty-first day of July, nineteen hundred and twenty-nine, approve the scheme.

8. If the companies fail to submit the scheme to the tribunal before the said first day of June, or before such later date as may be allowed by the tribunal, the scheme shall be prepared and made by the tribunal before the said thirty-first day of July, and the companies shall furnish to the tribunal such information as the tribunal may require for that purpose.

9. The scheme, as so approved or made by the tribunal under the foregoing provisions of this Schedule, shall come into operation on the first day of October, nineteen hundred and twenty-nine, and shall not be revoked, and shall not be altered otherwise than as hereinafter in this Schedule provided, and any person against whom a carriage charge is made by any of the companies in respect of any of the selected traffics delivered on or after that date for conveyance by railway shall be entitled to such rebate therefrom as may be provided for by the scheme.

11TH SCH. —*cont.*

10.—(1) The tribunal shall review the operation of the scheme within two months after the end of every year and shall give not less than twenty-one days' notice of the date, time and place of the sitting at which the review will take place, and at any such review the tribunal, after hearing any of the companies or any representative body of traders interested which may be desirous of being heard, and after considering all the circumstances (including the receipts of the companies in respect of the several selected traffics delivered during the year preceding the review for conveyance by railway), shall, subject as hereinafter provided, by order make in the scheme such modifications, if any, as they think necessary or desirable, but so that the provisions thereof shall comply with the requirements of this Schedule:

Provided that—

(*a*) the tribunal shall not by any such order alter the rate for the time being in force of any rebate provided for by the scheme unless—

(i) a debit balance is brought forward in the fund from the last preceding year; or

(ii) the tribunal is of opinion that in the year in which the review takes place the amount of the rate-relief of the companies will be less than the amount thereof estimated for the purpose of calculating the rebates in force, and that, unless such alterations are made, there will be a deficiency in the fund in respect of that year; or

(iii) the tribunal is of opinion that, unless such alterations are made, the aggregate of the rebates in respect of any group of selected traffics will, in the year in which the review takes place, fall short of a sum equal to the appropriate proportion of the net revenue of the fund for that year by more than the fixed marginal allowance; and

(*b*) the rates of rebates for the time being in force in respect of any group of selected traffics shall not be reduced by any alteration made under sub-paragraph (iii) of paragraph (*a*) of this proviso, unless the tribunal is of opinion that, if such reductions are not made, the aggregate of the rebates in respect of that group will, in the year in which the review takes place, exceed a sum equal to the appropriate proportion of the net revenue of the fund for that year by more than the fixed marginal allowance; and

(*c*) no alteration shall in any case be made in the rates of rebates to be allowed in respect of the selected traffics which would cause the aggregate of the

11TH SCH. —*cont.*

rebates to be allowed in respect of any group of selected traffics to fall short of a sum equal to the appropriate proportion of the net revenue of the fund.

(2) In this paragraph the following expressions have the meanings hereby respectively assigned to them, that is to say :—

"Appropriate proportion of the net revenue of the fund" means, as respects any group of selected traffics, the proportion specified in sub-paragraph (1) of paragraph 6 of this Part of this Schedule in relation to that group:

"Fixed marginal allowance" shall in any year be taken to be, in relation to any group of selected traffics, an amount equivalent to one per cent. of the amount estimated by the tribunal as being the aggregate of the carriage charges made and to be made by the companies in respect of the traffics contained in that group, delivered in that year for conveyance by railway.

11. If it appears to the Minister of Transport that by reason of some exceptional occurrence the net revenue of the fund for any year is or will be abnormally greater or less than the amount which, upon the basis of the rebates for the time being in force, will be required, to pay the sums payable thereout under paragraph five of this Part of this Schedule to the companies in respect of that year, and that there is danger of such instability being thereby occasioned in the rates of the said rebates as to affect prejudicially the operation of the scheme, he shall issue to the tribunal a certificate that in his opinion the rates of the rebates to be allowed in respect of any group of selected traffics specified in the certificate ought to be reviewed, and upon receipt of such a certificate the tribunal shall, notwithstanding anything in this Part of this Schedule, have power to make such alterations in the scheme as they consider desirable for stabilising, so far as practicable, the rates of the rebates to be allowed in respect of that group, and, if they think fit, for securing that any abnormal excess shall be expended, or abnormal deficiency made good, as the case may be, over such period of years as they think proper.

12.—(1) The tribunal shall have the like powers to make general rules governing their procedure and practice and generally for carrying into effect their functions under this Schedule, and to prescribe a scale of fees for and in connection with proceedings before them, as they have under section twenty-two of the Railways Act, 1921, with respect to their functions under Part III of that Act, but subject to the like approval, consent and limitations as are required or imposed by that section, and rules made under this paragraph may apply, with the necessary adaptations, any of the rules for the time being in force under the said section twenty-two.

11TH SCH. —*cont.*

(2) Section twenty-one, subsection (2) of section twenty-two, section twenty-three, section twenty-four except subsection (4) thereof, and section twenty-five (except so far as it relates to appeals) of the said Act, shall apply with respect to the functions of the tribunal under this Schedule as they apply for the purposes of that Act.

(3) Subsection (1) of section fifty-four of the said Act (which relates to the publication of schedules of standard charges) shall apply with respect to the scheme and to any orders of the tribunal modifying the scheme as it applies to schedules of standard charges, and the Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882, shall apply with respect to the scheme and with respect to any such orders as if they were documents issued by the Minister of Transport.

(4) The annual report of their proceedings under the Railways Act, 1921, made by the tribunal to the Minister of Transport under subsection (3) of section twenty-two of that Act and laid before Parliament, shall include a report of their proceedings under this Schedule and of the operation of the scheme.

13. The following provisions shall have effect with respect to the fund—

(*a*) all moneys of the fund shall be kept separate from all other moneys under the control of the Railway Clearing House, and the Railway Clearing House shall keep separate accounts with respect to all moneys of the fund :

(*b*) the Railway Clearing House shall invest in such investments as they think fit such part of the moneys of the fund as they may from time to time consider to be not immediately required, and the interest on any such investments shall be paid into the fund :

(*c*) the Railway Clearing House shall have the like powers with respect to the opening and keeping of bank accounts and the making of payments thereout, and to the recovery of sums due to the fund, as they have for the purposes of their functions in relation to the Railway Clearing System and to the funds applicable to the expenses of that System :

(*d*) the Railway Clearing House may, with the consent of the Minister of Transport and subject to such conditions as he may think fit, borrow moneys on the security of the fund for purposes connected with the scheme :

(*e*) the accounts of the fund shall be audited annually by an auditor appointed by the Minister of Transport, and the expenses of any such audit shall be defrayed as part of the administrative expenses of the Railway

11TH SCH. —*cont.*

Clearing House. It shall be the duty of the companies and of the Railway Clearing House to furnish all such information and give all such facilities as may be required by the auditor for the purposes of any such audit:

(*f*) abstracts of the accounts of the fund, certified by the auditor, shall be furnished annually to the Minister of Transport at such times and in such form as he may approve:

(*g*) if the net revenue of the fund for any year is insufficient to pay the sums determined in accordance with the provisions of sub-paragraph (1) (*c*) of paragraph 5 of this Part of this Schedule to be due to the companies in respect of that year, the Railway Clearing House shall certify the amount of the deficiency, and one moiety of that amount shall be made good by the companies in manner hereinafter appearing, and the other moiety thereof shall be made good out of any moneys standing to the credit of the contingency reserve account, and if the moneys standing to the credit of that account as at the end of the year are insufficient to make good the said moiety, the balance of the deficiency shall be brought forward as a debit balance in the fund:

Provided that in determining for the purposes of this provision whether there is for any year such a deficiency as aforesaid or the amount of any such deficiency, no account shall be taken of any sum paid in that year by way of adjustment under paragraph 2 of this Part of this Schedule:

(*h*) any moneys standing to the credit of the contingency reserve account as at the end of any year, which are not applied under the provisions of the last foregoing sub-paragraph towards making good a deficiency, shall be brought forward as part of the general moneys of the fund:

(*i*) any balance standing to the credit of the general account of the fund as at the end of any year shall be brought forward therein.

14. Any amount required in any year under the foregoing provisions of this Schedule to be paid by the companies towards making good any deficiency in the fund shall be apportioned by the Railway Clearing House between the several companies in such proportion as may have been determined before the end of the year by agreement between the companies or by an arbitrator appointed on the application of any company by the Minister of Transport, or, in default of such determination, in the proportions which the receipts of the several companies respectively bear to the total receipts of all the companies,

being in each case receipts in respect of the selected traffics delivered in that year for conveyance by railway; and a sum equal to the part of the deficiency so apportioned to any company shall, on the demand of the Railway Clearing House, be paid to the fund by that company.

15. Any sum allowed by a company by way of rebate which may be found not to have been properly allowable (either by reason of the merchandise in respect of which the rebate was allowed not having been so used, shipped or delivered as to constitute it a selected traffic, or for any other reason) shall be recoverable by the company as a debt due from the person to whom it was allowed.

16. Any question as to whether any rebate is or was allowable or as to the basis on which any rebate should be or should have been calculated under the scheme may, and in the event of a dispute shall, be determined by the tribunal, and the decision of the tribunal upon any such question shall be final and conclusive.

17. In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:

"Carriage-charges" means such of the charges for the time being in force for the carriage of merchandise by railway or light railway as may be determined by the scheme in relation to any rebate thereby provided for:

"Coke oven" means works consisting of coke ovens wholly or mainly engaged in the production of coke for metallurgical purposes:

"Delivered for conveyance by railway" means delivered to any of the companies for conveyance, whether by that company or by some other of the companies, by railway:

"Estimated rate relief" means in relation to any company in any year the sum taken as being the rate relief of the company in the estimate adopted by the tribunal for the purpose of calculating the rebates to be allowed by the companies under the scheme in that year:

"Exported" in relation to coal, coke or patent fuel, means shipped to places outside the British Islands, or as bunkers for ships proceeding to places outside those islands, or as bunkers for fishing vessels, and "exported coal, coke, or patent fuel" includes coal, coke, and patent fuel shipped coastwise before being exported:

"General moneys of the fund" means, as respects any year, the revenue of the fund for that year, including any

11TH SCH. —*cont.*

balance brought forward therein, but excluding any sums set aside in that year in accordance with the provisions of the scheme as a contingency reserve:

"Iron or steel works" means works which consist wholly or mainly of blast furnaces, puddling furnaces, steel furnaces, or rolling mills, or of hammers or presses which produce all or any of the following articles, that is to say, forgings weighing not less than ten hundredweight, blooms, billets, and bars:

"Net revenue of the fund" means, as respects any year, the revenue of the fund for that year (including any balance brought forward therein, but excluding any sums set aside in that year in accordance with the provisions of the scheme as a contingency reserve and any sums which may be paid to the fund by the companies to meet a deficiency in accordance with the requirements of sub-paragraph (*g*) of paragraph 13 of this Part of this Schedule), after deducting the sums directed by sub-paragraphs (1) (*a*) and (*b*) of paragraph 5 of this Part of this Schedule to be paid out of the fund:

"Railway company," "light railway company," "light railway," "freight transport hereditaments lands and heritages" and "railway transport purposes" have the same meanings respectively as in the Rating and Valuation (Apportionment) Act, 1928:

"Rate-relief," in relation to any of the companies, means the amount of the difference between the aggregate of the sums paid and payable by the company by way of rates in respect of freight transport hereditaments lands and heritages, occupied and used wholly or partly for railway transport purposes as part of the railway or light railway undertaking of the company, whereof the rateable value is ascertained under the provisions of Part V. of this Act or of any corresponding enactment extending to Scotland, and the aggregate of the sums which would have been so paid and payable in respect of those hereditaments lands and heritages, if those provisions had not been passed; and in relation to all the companies, means the aggregate amount of the differences aforesaid:

"Representative body of traders interested" means any association or body of persons which satisfies the tribunal that it represents a substantial number of persons interested in the selected traffics:

"Selected traffics" means the traffics mentioned in Parts II, III, and IV of this Schedule, but, save as respects milk, does not include any traffics conveyed at passenger train rates; and the selected traffics mentioned in each

of the said Parts are collectively referred to in this Schedule as a group of selected traffics:

"Shipped coastwise," in relation to exported coal, coke, or patent fuel means shipped from a place within the British Islands to another place within those islands:

"Tribunal" means the Railway Rates Tribunal:

"Washery" means works for washing or cleaning coal:

"Year" means a period beginning on the first day of October and ending on the next subsequent thirtieth day of September, and the expression "annually" shall be construed accordingly.

18.—(1) If the amount of any moneys provided by Parliament for the purposes of any scheme issued by the Minister of Transport providing for the allowance by any of the companies of rebates in respect of selected traffics delivered between the thirtieth day of November, nineteen hundred and twenty-eight, and the first day of October, nineteen hundred and twenty-nine, for conveyance by railway, is more than sufficient for the purposes of that scheme, the balance shall, on or before the first day of January, nineteen hundred and thirty, or such later date as the Minister of Transport may allow, be paid into the fund and brought forward therein, and if the said amount is insufficient for the said purpose, the Railway Clearing House shall certify the amount of the deficiency, and the amount of the deficiency as so certified shall be apportioned by the Railway Clearing House between the several companies to which that scheme applies in such proportion as may have been agreed between those companies or, in default of agreement, in the proportions which the receipts of the several companies to which that scheme applies respectively bear to the total receipts of all the said companies, being in each case receipts in respect of the selected traffics delivered between the dates aforesaid for conveyance by railway; and a sum equal to the part of the deficiency so apportioned to any company shall, on the demand of the Railway Clearing House, be paid to them by that company.

(2) Any sum recoverable by the Railway Clearing House as a debt due to any fund established for the purposes of such a scheme as is mentioned in the last foregoing sub-paragraph but not recovered before the accounts of that fund are closed, shall be recoverable by the Railway Clearing House as a debt due to the fund established under this Schedule.

19. In any proceedings under the Railways Act, 1921, all payments by any of the companies to the fund in accordance with the provisions of this Schedule shall be treated as payments of rates and the tribunal shall not take into account any rebates allowable under the scheme or under any arrangements in operation at the passing of this Act having as their object the allowance of rebates from charges in respect of the selected traffics

11TH SCH. —*cont.*

20. In making any assessment or valuation for rating purposes by reference to the accounts, receipts, or profits of the undertaking carried on by any of the companies, all payments by the company to the fund in accordance with the provisions of this Schedule shall be treated as payments of rates.

21. Where rates are payable by any of the companies in respect of the occupation of any part of a freight transport hereditament let out by the company to a tenant but not so as to be capable of separate assessment, then, for the purposes of computing any sum payable by the tenant to the company under any contract made before the commencement of this Act in respect of the rates so paid, payments to the fund by the company in accordance with the provisions of this Schedule in respect of that part of the hereditament shall be treated as payments of rates.

PART II.

Agricultural Selected Traffics.

Manure, street, stable or farmyard, in bulk Manures, other than street, stable or farmyard, in bulk - - - - - - - - -	used in Great Britain.
Lime, limestone, chalk, basic slag, and salt for use as manure - - - - - - - -	used in Great Britain.
Any other substance for use direct as manure, or any manure substance to be mixed and used as manure, when packed and so consigned - - - - - - - - - -	
Grain, ground or flaked - - - - -	used in Great Britain for livestock or poultry feeding.
Oil cake, whole, broken, or ground - -	
Meals or husks, in cases, casks, or sacks -	
Foods consisting of meals, with spice, molasses, or condiment - - - - - -	
Milling offals, included in the grain list in the Classification of Merchandise for conveyance by railway - - - - - - - - - -	
Treacle delivered direct to farmers - -	
Ensilage - - - - - - - - -	
Hay - - - - - - - - - -	
Hay or straw, chopped - - - - -	
Provender, consisting of chopped hay or straw, mixed with articles included in the grain list in the Classification of Merchandise for conveyance by railway - - - - - -	
Beetroot pulp (residue from sugar making) -	
Carrots, mangel wurzel, or turnips, in bulk -	
Grains, brewers' or distillers' (or draff) -	

11th Sch. —*cont.*

Potatoes, except new potatoes as defined in the Classification of Merchandise for conveyance by railway.

Milk (including separated milk but not condensed or dried milk).

Live stock.

Part III.

Coal, Coke and Patent Fuel Selected Traffics.

Exported coal, coke, or patent fuel.

Coal, coke, or patent fuel delivered to and used in iron or steel works.

Such coal delivered to patent fuel works as is used for the manufacture of exported patent fuel.

Such coal delivered to a washery as is washed or cleaned thereat before being exported or delivered to and used in iron or steel works.

Such coal delivered to a coke oven (situate elsewhere than at an iron or steel works) as is used for the manufacture of coke which is exported or delivered to and used in iron or steel works.

Part IV.

Other Selected Traffics.

Timber, iron, or steel, for propping or shoring purposes delivered to a mine.

Ores in Classes 1 and 2 of the Classification of Merchandise for conveyance by railway - -	delivered to iron or steel works.
Cinders, containing iron - - - - -	
Hammer scale - -	
Mill cinder or tap -	
Mill scale - - -	
Pyrites, iron in Class 1 of the Classification of Merchandise for conveyance by railway - -	
Lime and limestone in bulk - - - -	

Section 137.

TWELFTH SCHEDULE.

ENACTMENTS REPEALED.

PART I.—REPEALS CONSEQUENTIAL ON PART I. OF THIS ACT.

Session and Chapter.	Short Title.	Extent of Repeal.
6 & 7 Will. 4, c. 86.	The Births and Deaths Registration Act, 1836.	In section seven the words from "the clerk to the guardians" to "in that capacity"; In section eight the words from "in every case in which the clerk" to "in such union parish or place and" and from "except as hereinbefore" to the end of the section; In section nine the words "of "the union, or parish, or "place having a board of "guardians as aforesaid"; Section twenty-nine from "and in the case" to the end of the section.
7 Will. 4 and 1 Vict. c. 22.	The Births and Deaths Registration Act, 1837.	In section ten the words from "any two or more unions" to "last aforesaid or" and the words "of the union, parish or "place for which such board "is established"; In section eleven the words "any union, parish, or place or," the words "clerk to the guardians or other" and the words "of the whole union, parish, or place"; In section fourteen the words from "the clerk to any such board" to "superintendent registrar and"; and the words "in any such union, parish or place"; Sections seventeen and nineteen.
7 & 8 Vict. c. 101.	The Poor Law Amendment Act, 1844.	Section fifty-six so far as unrepealed; In section sixty-one the words from "and wherever any parish" to "any other persons."

12TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
8 & 9 Vict. c. 117.	The Poor Removal Act, 1845.	Section five.
20 Vict. c. 19	The Extra-Parochial Places Act, 1857.	Sections five and eight.
24 & 25 Vict. c. 97.	The Malicious Damage Act, 1861.	In sections five, eleven and thirty-nine the words "poor law union."
25 & 26 Vict. c. 103.	The Union Assessment Committee Act, 1862.	Sections two, four, seven, ten and twelve so far as unrepealed, and in section nine, the words from "the whole number present," to "such committee consists."
30 & 31 Vict. c. 6.	The Metropolitan Poor Act, 1867.	Section twenty-four so far as unrepealed.
30 & 31 Vict. c. 84.	The Vaccination Act, 1867.	In section eleven the words "of his union or parish."
30 & 31 Vict. c. 106.	The Poor Law Amendment Act, 1867.	In section twenty-three the words "wholly or partly comprised within a union" and the words "where the union and the borough are not conterminous," and the words "of the said union."
31 & 32 Vict. c. 122.	The Poor Law Amendment Act, 1868.	Section five.
32 & 33 Vict. c. 63.	The Metropolitan Poor Amendment Act, 1869.	Sections eight, twenty-four and twenty-five.
32 & 33 Vict. c. 67.	The Valuation (Metropolis) Act, 1869.	Section five. In section forty-five, in paragraph (3) the words from "and to the qualification" to "Act, 1867." In section fifty the words "and "upon such precept of the "Poor Law Board" and from "and the Poor Law Board" to the end of the section. Section fifty-nine.
37 & 38 Vict. c. 88.	The Births and Deaths Registration Act, 1874.	Section twenty-two. Section thirty-three from the beginning of the section to "section nine of the principal Act." Section thirty-four.
38 & 39 Vict. c. 55.	The Public Health Act, 1875.	In section one hundred and ninety the words "There may "be awarded," to the end of the section.

12TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
39 & 40 Vict. c. 61.	The Divided Parishes and Poor Law Amendment Act, 1876.	Section twenty-one so far as unrepealed. In section forty-two the proviso.
40 & 41 Vict. c. 66.	The Local Taxation Returns Act, 1877.	In section three the word "guardians."
47 & 48 Vict. c. 70.	The Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	In subsection (1) of section thirty-six, in proviso (*b*) the words from "and in relation to" to "in the union" and proviso (*e*). Schedule I. so far as it applies to guardians.
52 & 53 Vict. c. 72.	The Infectious Disease (Notification) Act, 1889.	In section eleven the words "or "as guardian of a union."
53 & 54 Vict. c. 5.	The Lunacy Act, 1890	In section sixty-four the words "any union within" and "to "such county or." In section sixty-five, in paragraph (*a*) of subsection (2) the words "some parish of." Section sixty-eight. In section eighty, in subsection (2) the words "if the "lunatic is chargeable to a "county or borough." Section two hundred and ninety. In section three hundred and three the words from "or in which" to "has been confined "is situate."
54 & 55 Vict. c. 65.	The Lunacy Act, 1891	In section eleven the words from "or if the lunatic" to "licensed house." Section twenty-five.
54 & 55 Vict. c. 76.	The Public Health (London) Act, 1891.	In section fifty-five, subsection (4) from "The Managers shall send" to the end of the subsection. In section fifty-seven, in subsection (1) the words "or as guar- "dian of a poor law union." In section eighty, subsections (2) and (3). Section eighty-one. In section eighty-six, in the proviso the words "any asylum "under the Metropolitan Poor "Act, 1867, or."

12TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
54 & 55 Vict. c. 76—*cont.*	The Public Health (London) Act, 1891—*cont.*	In section eighty-seven the words from " by the receiver " to " issued," and from " and the said Board " to the end of the section. Sections one hundred and four and one hundred and thirty-one.
56 & 57 Vict. c. 73.	The Local Government Act, 1894.	In section twenty-four, subsection (2) and subsection (4) from " and any person " to the end of the subsection. In section thirty-six, subsections (6) and (9) subsection (10) from " and any board of guardians " to the end of the subsection, and in subsection (11) the words from " or the alteration " to " two or more counties."
59 & 60 Vict. c. 50.	The Poor Law Officers' Superannuation Act, 1896.	The whole Act except so far as by virtue of this Act it continues to apply to any transferred officers, and except so far as it applies to officers to whom it applies by virtue of some other enactment, and except section fifteen thereof.
60 & 61 Vict. c. 28.	The Poor Law Officers' Superannuation Act Amendment Act, 1897.	The whole Act.
61 & 62 Vict. c. 54.	The Public Works Loans Act, 1898.	Section three.
62 & 63 Vict. c. 14.	The London Government Act, 1899.	In section eleven, in subsection (2) the words from " other than a precept " to " elected by the guardians." Section thirteen.
1 Edw. 7. c. 26.	The Births and Deaths Registration Act, 1901.	The whole Act.
5 Edw. 7. c. 18.	The Unemployed Workmen Act, 1905.	The whole Act.
8 Edw. 7. c. 67.	The Children Act, 1908	In section one hundred and eight, subsection (12).
3 & 4 Geo. 5. c. 28.	The Mental Deficiency Act, 1913.	In section thirty, proviso (ii) from " nor shall local authorities " to the end of that proviso.

12TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
6 & 7 Geo. 5. c. 12.	The Local Government (Emergency Provisions) Act, 1916.	Section seven.
11 & 12 Geo. 5. c. 67.	The Local Authorities (Financial Provisions) Act, 1921.	Section one. In section two, subsection (2). In section three, subsection (4).
12 & 13 Geo. 5. c. 14.	The Audit (Local Authorities, etc.) Act, 1922.	In section one, subsection (2).
12 & 13 Geo. 5. c. 59.	The Local Government and other Officers' Superannuation Act, 1922.	Section twenty-seven.
13 & 14 Geo. 5. c. 6.	The Local Authorities (Emergency Provisions) Act, 1923.	Section one.
15 & 16 Geo. 5. c. 90.	The Rating and Valuation Act, 1925.	In section nine, in subsection (2) the words "guardians in respect of any period beginning on or after the appointed day and by" and in paragraph (*d*) of that subsection the words "and boards of guardians" and the words "and board of guardians." In section ten, in subsection (2) the words "or a board of guardians" and "or union." In section sixteen, in subsection (2) the words from "and with" to "county," in subsection (4) the words "and the boards of guardians of the poor law unions," and in subsections (7) and (8) the words "and boards of guardians." In section seventeen, in subsection (4) the words "boards of guardians." In section twenty, in subsection (1) the words from "of a manager" to "asylum district or."

12TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
17 & 18 Geo. 5. c. 14.	The Poor Law Act, 1927.	In section two, subsections (2) and (3). Sections three to five. Section six except so far as it is applied by any other enactment. Section seven. Sections nine and ten except so far as they are applied by any other enactment. Sections eleven to thirteen. Sections fourteen to sixteen except so far as they are applied by any other enactment. Sections seventeen to twenty-six. Section twenty-seven, except so far as it is applied by any other enactment. Section twenty-eight. Section thirty-three. In sections thirty-five and thirty-six the words "in a parish" wherever they occur. In section thirty-seven the words "comprising the parish" wherever they occur. Section eighty-three. In section one hundred and two the words "any parish of." In section one hundred and eight, in subsection (1) the words "comprising his parish." In section one hundred and nineteen, in subsection (1) the words "parish of" and the word "comprised." In section one hundred and twenty the words "in a parish." In section one hundred and twenty-one the words "parish of" and "situated." Sections one hundred and thirty-three to one hundred and forty-four. Section one hundred and forty-six.

12TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
17 & 18 Geo. 5. c. 14—*continued.*	The Poor Law Act, 1927—*continued.*	Section one hundred and forty-eight from "and may in the case" to the end of the section. Sections one hundred and forty-nine to one hundred and fifty-three. In section one hundred and fifty-four, subsection (1). Section one hundred and fifty-six. In section one hundred and fifty-seven, subsection (5) from "and in the case" to the end of the subsection. Section one hundred and fifty-nine. In section one hundred and sixty, subsections (1), (2) and (4). Section one hundred and sixty-one. Sections one hundred and sixty-three and one hundred and sixty-four. Sections one hundred and sixty-six to one hundred and sixty-nine. In section one hundred and seventy, subsection (2) from "and thenceforth" to the end of the subsection. In section one hundred and seventy-one, in subsection (5) the words "and the appoint- "ment of chaplains in a "district school" and subsection (6). Sections one hundred and seventy-five to one hundred and eighty-two. Section one hundred and eighty-five. In section one hundred and eighty-seven, in subsection (1) the words "dispensary com- "mittee or where a dispensary "committee has not been "established the" and subsection (3).

12TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
17 & 18 Geo. 5. c. 14—*continued.*	The Poor Law Act, 1927—*continued.*	In section one hundred and ninety the proviso to subsection (1) and subsection (5). Section one hundred and ninety-one. Sections one hundred and ninety-three to two hundred and six. Section two hundred and seven from "or poor law union so "long as" to the end of the section. Section two hundred and eight. In section two hundred and nine the words "and a board of "management of a school "district or an asylum board." In section two hundred and twelve, paragraph (*d*) of subsection (1) and subsections (2) and (3). In section two hundred and fourteen, in subsection (1) the words "(other than an order for the "formation of two or more "poor law unions into a "district)." Section two hundred and twenty. In section two hundred and twenty-three, in paragraph (*a*) of subsection (5) the words from "and in the latter case" to "the account of the parish." Subsection (2) of section two hundred and twenty-five. In section two hundred and twenty-six, subsection (3). In section two hundred and twenty-eight the words "or "other person employed by "or under the authority of." In section two hundred and thirty-six, subsection (2) from "and in the case of" to the end of the subsection.

12TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
17 & 18 Geo. 5. c. 14—*continued.*	The Poor Law Act, 1927—*continued.*	Sections two hundred and thirty-seven to two hundred and forty. The first, second, third and fourth schedules, and the seventh, eighth and ninth schedules.
18 & 19 Geo. 5. c. 9.	The Local Authorities (Emergency Provisions) Act, 1928.	Section two.

PART II.—REPEALS CONSEQUENTIAL ON PART II. OF THIS ACT.

21 & 22 Vict. c. 25.	The Births and Deaths Registration Act, 1858.	Section four.
37 & 38 Vict. c. 88.	The Births and Deaths Registration Act, 1874.	Section six.

PART III.—REPEALS CONSEQUENTIAL ON PART III. OF THIS ACT.

41 & 42 Vict. c. 77.	The Highways and Locomotives (Amendment) Act, 1878.	In section sixteen, the words "in pursuance of this Act." Section twenty.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	In section eleven, subsections (2), (3), (4), (5), (6) and (8) and in subsection (9) the words from "as to the refusal of the county council" to "in respect of any undertaking or road," or," and from "or as to any notice" to "in proper repair and condition."
54 & 55 Vict. c. 63.	The Highways and Bridges Act, 1891.	Section four from "but no such order" to the end of the section.
56 & 57 Vict. c. 73.	The Local Government Act, 1894.	In section twenty-five, in subsection (1) the words "and of any highway authority in the district," and from "and highway authority" to the end of the subsection, and subsection (4). In section twenty-nine provisos (*a*), (*c*) and (*d*).

12th Sch. —*cont.*

Part IV.—Repeals consequential on Part IV. of this Act.

Session and Chapter.	Short Title.	Extent of Repeal.
38 & 39 Vict. c. 55.	The Public Health Act, 1875.	In section two hundred and twenty-nine the words from "Where the rural authority" to "binding and conclusive on all parties concerned." As respects district councils, sections two hundred and ninety-nine to three hundred and two.
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	Section two hundred and thirty-six.
56 & 57 Vict. c. 73.	The Local Government Act, 1894.	In section sixteen, subsection (2).

Part V.—Repeals consequential on Part V. of this Act.

32 & 33 Vict. c. 67.	The Valuation (Metropolis) Act, 1869.	In section forty-five, in paragraph (3) the words "to the qualification of a juror," and the words from "And in construing the Metropolitan Police Act, 1829," to the words "in force."
37 & 38 Vict. c. 54.	The Rating Act, 1874	As respects agricultural land, paragraph (1) of section three, and sections four and five.
38 & 39 Vict. c. 55.	The Public Health Act, 1875.	In section two hundred and thirty-four, paragraphs (2) and (3).
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	In section sixty-nine, subsection (2).
53 & 54 Vict. c. 45.	The Police Act, 1890 -	Section twenty-seven.
56 & 57 Vict. c. 73.	The Local Government Act, 1894.	In section twelve, subsection (1) from "and except" to the end of the subsection.
62 & 63 Vict. c. 44.	The Small Dwellings Acquisition Act, 1899.	In section nine, subsection (6).

12TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
8 Edw. 7. c. 36.	The Small Holdings and Allotments Act, 1908.	In section fifty-two, the proviso to subsection (1). In section fifty-three, paragraph (*b*) of subsection (4) from "but the money so borrowed" to the end of the paragraph.
3 & 4 Geo. 5. c. 28.	The Mental Deficiency Act, 1913.	In section thirty-three, subsection (3).
9 & 10 Geo. 5. c. 93.	The Public Libraries Act, 1919.	In section one, in the proviso to subsection (3) the words from "money borrowed for the "purposes of those Acts" to "Local Government Act, "1888, and that".
10 & 11 Geo. 5. c. 49.	The Blind Persons Act, 1920.	In section two, subsection (3) from "and money" to the end of the subsection.
11 & 12 Geo. 5. c. 51.	The Education Act, 1921.	In section one hundred and thirty-two, subsection (2).
15 & 16 Geo. 5. c. 90.	The Rating and Valuation Act, 1925.	In section three, in subsection (2) the words "of any woodlands or," and the word "wood- "lands" where that word secondly occurs. In section eleven, in the proviso to subsection (1) the words "the rent of which becomes "payable or is collected at "quarterly or any longer "intervals or". In section twenty, in subsection (1) the words "or under "the enactments relating to "the qualification," and the words "save as hereinafter mentioned of a juror," and the proviso. In section twenty-two, in subsection (2) the words from "any deduction" where those words first occur to "as aforesaid". In section sixty-eight, in subsection (1) the definitions of "agricultural land" and "woodlands".

Session and Chapter.	Short Title.	Extent of Repeal.
15 & 16 Geo. 5. c. 90—*cont.*	The Rating and Valuation Act, 1925—*cont.*	In the Second Schedule, in Part I paragraph (8) and in Part II paragraphs (1) and (2) and the words "and any woodlands."

PART VI.—REPEALS CONSEQUENTIAL ON PART VI. OF THIS ACT.

19 & 20 Vict. c. 69.	The County and Borough Police Act, 1856.	Section sixteen.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	In section nineteen, subsection (1) from "and if a medical officer" to the end of the subsection. In section twenty, subsections (1) and (2). Sections twenty-one to twenty-seven. Section thirty-two so far as it relates to the discontinued grants. In section thirty-four, in subsection (1) the words from "in particular shall" to "applicable and," and from "including those" to "police of the county" and paragraphs (*d*) and (*e*) of that subsection. In section forty-one, subsection (2) from "and the common council" to the end of the subsection. Sections forty-three and ninety-four.
53 & 54 Vict. c. 8.	The Customs and Inland Revenue Act, 1890.	Section seven, except so far as it relates to Scotland.
53 & 54 Vict. c. 60.	The Local Taxation (Customs and Excise) Act, 1890.	The whole Act, except so far as it relates to Scotland.

12TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
54 & 55 Vict. c. 76.	The Public Health (London) Act, 1891.	In section one hundred and eight, subsection (1) from "and one-half" to the end of the subsection.
57 & 58 Vict. c. 30.	The Finance Act, 1894.	Section nineteen, except so far as it relates to Scotland.
57 & 58 Vict. c. 53.	The London (Equalization of Rates) Act, 1894.	The whole Act.
57 & 58 Vict. c. 57.	The Diseases of Animals Act, 1894.	As respects Great Britain, in section eighteen, in subsection (1) the words "(not exceeding "one hundred and forty "thousand pounds in any one "year)" and the proviso and subsection (2), and in the Second Schedule, paragraphs 3 to 6.
59 & 60 Vict. c. 16.	The Agricultural Rates Act, 1896.	The whole Act.
62 & 63 Vict. c. 14.	The London Government Act, 1899.	In section eleven, in paragraph (*f*) of subsection (3) the words "section two of the London "(Equalization of Rates) Act, "1894, or," and the word "other."
62 & 63 Vict. c. 17.	The Tithe Rentcharge (Rates) Act, 1899.	The whole Act.
7 Edw. 7. c. 13.	The Finance Act, 1907	Section seventeen and the Second Schedule, except so far as they relate to Scotland.
8 Edw. 7. c. 16.	The Finance Act, 1908	In section six, subsection (3).
10 Edw. 7. c. 8.	The Finance (1909–10) Act, 1910.	In section forty-seven, subsection (2). In section eighty-eight, subsection (1) except so far as it relates to Scotland.
1 & 2 Geo. 5. c. 2.	The Revenue Act, 1911	Section seventeen, except so far as it relates to Scotland.
2 & 3 Geo. 5. c. 4.	The Metropolitan Police Act, 1912.	The whole Act so far as unrepealed.
3 & 4 Geo. 5. c. 28.	The Mental Deficiency Act, 1913.	In section thirty, proviso (i). Sections forty-seven and forty-eight.

12TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
6 & 7 Geo. 5. c. 12.	The Local Government (Emergency Provisions) Act, 1916.	Section nine and subsection (3) of section thirteen.
6 & 7 Geo. 5. c. 31.	The Police, Factories, &c. (Miscellaneous Provisions) Act, 1916.	Section four.
6 & 7 Geo. 5. c. 55.	The Local Government Emergency Provisions (No. 2) Act, 1916.	The whole Act.
9 & 10 Geo. 5. c. 46.	The Police Act, 1919 -	Section eight.
10 & 11 Geo. 5. c. 72.	The Roads Act, 1920 -	In section two, except so far as they relate to Scotland, subsection (2) and in subsection (3) the words "balance of the" and the words "after "deducting the sums to be "paid to the local taxation "accounts under this section."
11 & 12 Geo. 5. c. 12.	The Public Health (Tuberculosis) Act, 1921.	In section one, subsection (2) from "This subsection shall not" to the end of the subsection.
11 & 12 Geo. 5. c. 23.	The Public Health (Officers) Act, 1921.	In sections one and two the words "and charged to the "Exchequer contribution account." Section six.
11 & 12 Geo. 5. c. 31.	The Police Pensions Act, 1921.	In section twenty-two, subsection (3) except so far as it relates to Scotland, in subsection (4) the words from "and for the purpose" to "police fund," and subsection (5) except so far as it relates to Scotland.
11 & 12 Geo. 5. c. 32.	The Finance Act, 1921	Section sixty-two.
11 & 12 Geo. 5. c. 51.	The Education Act, 1921.	In section seventy, in subsection (1) the words from "shall apply all" to "unexpended and," and the word "further."

12TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
13 & 14 Geo. 5. c. 39.	The Agricultural Rates Act, 1923.	The whole Act, except so far as it relates to Scotland.
14 & 15 Geo. 5. c. 3.	The Diseases of Animals Act, 1924.	As respects Great Britain, the whole Act.
14 & 15 Geo. 5. c. 38.	The National Health Insurance Act, 1924.	In section one hundred and seven, subsection (6), except so far as it relates to Scotland.
15 & 16 Geo. 5. c. 10.	The Agricultural Rates (Additional Grant) Continuance Act, 1925.	The whole Act, except so far as it relates to Scotland.
15 & 16 Geo. 5. c. 87.	The Tithe Act, 1925 -	In section seven, subsection (3).
15 & 16 Geo. 5. c. 90.	The Rating and Valuation Act, 1925.	In section sixty-nine, paragraph (*b*) of subsection (2).
17 & 18 Geo. 5. c. 33.	The Mental Deficiency Act, 1927.	In section seven, paragraph (ii) of subsection (2).

PART VII.—REPEALS CONSEQUENTIAL ON PART VII. OF THIS ACT.

4 & 5 Will. 4. c. 76.	The Poor Law Amendment Act, 1834.	Section forty.
5 & 6 Will. 4. c. 69.	The Union and Parish Property Act, 1835.	The whole Act so far as unrepealed.
4 & 5 Vict. c. 38.	The School Sites Act, 1841.	In section six, in the second proviso the words from "a majority" to "and without the consent of" and from "and of the guardians" to "convey the same."
5 & 6 Vict. c. 18.	The Parish Property and Parish Debts Act, 1842.	The whole Act so far as unrepealed.
7 & 8 Vict. c. 101.	The Poor Law Amendment Act, 1844.	Sections fourteen to sixteen.
9 & 10 Vict. c. 74.	The Baths and Washhouses Act, 1846.	In section twenty-four the words "the guardians of the poor of the parish (if any) and of" and the words "such guardians or in."

12TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
15 & 16 Vict. c. 85.	The Burial Act, 1852 -	In section twenty-nine the words "the guardians of the poor of "the parish (if any) and of" and the words "such guardians "or in."
17 & 18 Vict. c. 112.	The Literary and Scientific Institutions Act, 1854.	In section six, in the second proviso the words from "a majority" to "and without the consent of" and from "and of the guardians" to "convey the same."
30 & 31 Vict. c. 106.	The Poor Law Amendment Act, 1867.	Sections seven, eight and eleven.
39 & 40 Vict. c. 61.	The Divided Parishes and Poor Law Amendment Act, 1876.	Section thirty-nine.
45 & 46 Vict. c. 21.	The Places of Worship Sites Amendment Act, 1882.	In section one, in proviso (*c*) the words from "a majority" to "1835 and of" and from "and of the guardians" to "the conveyance."
52 & 53 Vict. c. 56.	The Poor Law Act, 1889.	The whole Act so far as unrepealed.
55 & 56 Vict. c. 53.	The Public Libraries Act, 1892.	In section thirteen, in paragraph (*b*) of subsection (2) the words from "save by the" to "belongs or".
56 & 57 Vict. c. 73.	The Local Government Act, 1894.	In section six, paragraph (*d*) of subsection (1). In section fifty-two, subsection (1).
15 & 16 Geo. 5. c. 59.	The Teachers' (Superannuation) Act, 1925.	In proviso (*a*) to subsection (1) of section two the words "the "Poor Law Officers Super- "annuation Act, 1896, or".

CHAPTER 18.

An Act to confirm and give effect to an agreement made between the Treasury and the Ministry of Finance for Northern Ireland for continuing the agreement set forth in the Unemployment Insurance (Northern Ireland Agreement) Act, 1926. [27th March 1929.]

16 & 17 Geo. 5. c. 4

WHEREAS provision was made by the Unemployment Insurance (Northern Ireland Agreement) Act, 1926, for confirming and giving effect to an agreement (in this Act referred to as "the principal agreement") made between the Treasury and the Ministry of Finance for Northern Ireland with a view to assimilating the burdens on the Exchequer of the United Kingdom and the Exchequer of Northern Ireland per head of populations in respect of unemployment insurance:

And whereas the principal agreement under the provisions of Article 9 thereof is to continue in force only until the thirty-first day of March, nineteen hundred and thirty, and no longer:

And whereas the Treasury and the Ministry of Finance for Northern Ireland, with a view to continuing the principal agreement after the date aforesaid, have entered into the agreement set forth in the Schedule to this Act (in this Act referred to as "the supplemental agreement"):

And whereas it is expedient that the supplemental agreement should be confirmed, and that provision should be made for the payment of such sums as may be payable out of the Exchequer of the United Kingdom under the principal agreement as continued by the supplemental agreement:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Confirmation of scheduled agreement.

1.—(1) The supplemental agreement set forth in the Schedule to this Act is hereby confirmed and shall have effect as if enacted in this Act.

(2) Any sums certified by the Joint Exchequer Board to be payable after the thirty-first day of March, nineteen hundred and thirty, under the principal agreement as continued by the supplemental agreement, from the Exchequer of the United Kingdom to the Exchequer of Northern Ireland shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof.

Short title, commencement and duration.

2.—(1) This Act may be cited as the Unemployment Insurance (Northern Ireland Agreement) Act, 1929.

(2) This Act shall not come into operation unless and until His Majesty by Order in Council declares that a corresponding Act has been passed by the Parliament of Northern Ireland and shall cease to be in force if and when His Majesty by Order in Council declares that the corresponding Act of the Parliament of Northern Ireland has ceased to be in force.

SCHEDULE.

Section 1.

AGREEMENT made between the TREASURY and the MINISTRY OF FINANCE FOR NORTHERN IRELAND for continuing the AGREEMENT confirmed by the UNEMPLOYMENT INSURANCE (NORTHERN IRELAND AGREEMENT) ACT, 1926, and the UNEMPLOYMENT INSURANCE (AGREEMENT) ACT (NORTHERN IRELAND), 1926.

WHEREAS on the tenth day of February, nineteen hundred and twenty-six, an agreement (hereinafter referred to as "the principal agreement") was made between the Treasury and the Ministry of Finance for Northern Ireland (hereinafter referred to as "the Ministry of Finance") with a view to assimilating the burdens on the Exchequer of the United Kingdom and the Exchequer of Northern Ireland per head of populations in respect of unemployment insurance:

And whereas the principal agreement was confirmed by the Unemployment Insurance (Northern Ireland Agreement) Act, 1926, being an Act of the Parliament of the United Kingdom, and by the Unemployment Insurance (Agreement) Act (Northern

Ireland), 1926, being an Act of the Parliament of Northern Ireland, and is set forth in the Schedules to those Acts:

And whereas the principal agreement under the provisions of Article 9 thereof is to continue in force only until the thirty-first day of March, nineteen hundred and thirty, and no longer, and the Treasury and the Ministry of Finance are desirous that the principal agreement should continue in force after that date:

Now, therefore, the Treasury and the Ministry of Finance have entered into the following supplemental agreement:—

1. The principal agreement shall continue in force after the said thirty-first day of March, nineteen hundred and thirty.

2. The Government of Northern Ireland will, on the thirty-first day of March, nineteen hundred and twenty-nine, write off the sum of £424,434 from the liabilities now amounting to £3,424,434 shown on the suspense account created under section four of the said Unemployment Insurance (Agreement) Act (Northern Ireland), 1926, and on each succeeding thirty-first day of March will write off a further sum of £100,000 from those liabilities until the whole of the excess debt as defined in the said section is extinguished.

3. This agreement shall not come into force until confirmed by Acts of the Parliaments of the United Kingdom and Northern Ireland.

(Signed) H. M. POLLOCK. (Signed) WINSTON S. CHURCHILL.
F. GEORGE PENNY.

14 December 1928.

CHAPTER 19.

An Act to amend subsection (2) of section fourteen of the Unemployment Insurance Act, 1927, by extending to twenty-four months the period of twelve months therein mentioned.

[27th March 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

1. Subsection (2) of section fourteen of the Unemployment Insurance Act, 1927 (which provides that an insured contributor who proves certain matters within a period of twelve months from the commencement of that Act shall be treated as if he had proved that the first statutory condition was fulfilled in his case and shall continue to be so treated throughout any benefit year which is current in or commences within the said period) shall have effect as if the words "twenty-four months" were substituted for the words "twelve months" in both places where those words occur in the said subsection. Amendment of s. 14 (2) of 17 & 18 Geo. 5. c. 30.

2. This Act may be cited as the Unemployment Insurance (Transitional Provisions Amendment) Act, 1929, and the Unemployment Insurance Acts, 1920 to 1928, and this Act may be cited together as the Unemployment Insurance Acts, 1920 to 1929. Short title.

CHAPTER 20.

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and Air Force. [25th April 1929.]

WHEREAS the raising or keeping of a standing army within the United Kingdom in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of land forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of one hundred and fifty thousand five hundred including those to be employed at the depots in the United Kingdom for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions (other than Aden):

And whereas under the Air Force (Constitution) Act, 1917, His Majesty is entitled to raise and maintain the 7 & 8 Geo. 5. c. 51.

air force, and it is judged necessary that the whole number of such force should consist of thirty-two thousand, including those employed as aforesaid, but exclusive of the numbers serving as aforesaid:

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet, nevertheless, it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law or to the Air Force Act, in their duty, that an exact discipline be observed and that persons belonging to the said forces who mutiny, or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military or air force discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

And whereas the Army Act and the Air Force Act will expire in the year one thousand nine hundred and twenty-nine on the following days:—

(*a*) In Great Britain and Ireland, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and

(*b*) Elsewhere, whether within or without His Majesty's dominions, on the thirty-first day of July:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title

1. This Act may be cited as the Army and Air Force (Annual) Act, 1929.

Army Act and Air Force Act to be in force for specified times.

2.—(1) The Army Act and the Air Force Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament (that is to say):—

(*a*) Within Great Britain and Ireland, the Channel Islands, and the Isle of Man, from the thirtieth day of April, one thousand nine hundred and twenty-nine, to the thirtieth day of April, one thousand nine hundred and thirty, both inclusive; and

(*b*) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of July, one thousand nine hundred and twenty-nine, to the thirty-first day of July, one thousand nine hundred and thirty, both inclusive.

(2) The Army Act and the Air Force Act, while in force, shall apply to persons subject to military law or to the Air Force Act, as the case may be, whether within or without His Majesty's dominions.

(3) A person subject to military law or to the Air Force Act shall not be exempted from the provisions of the Army Act or Air Force Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the numbers hereinbefore mentioned.

Prices in respect of billeting.

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act or the Air Force Act the prices specified in the First Schedule to this Act.

AMENDMENTS OF ARMY AND AIR FORCE ACTS.

Amendments of Part II. of Army Act.

4. In the sections of the Army Act specified in the first column of the Second Schedule to this Act there shall be made the amendments shown in the second column of that Schedule, being amendments consequential on or supplemental to the proviso which was inserted in section seventy-six of the Army Act by the

12 Geo. 5. c. 6.

Army and Air Force (Annual) Act, 1922, and which relates to the date as from which the period of twelve years referred to in the said section is to be reckoned in the case of boys enlisted before attaining the age of eighteen years.

Amendment of s. 145.

5.—(1) Section one hundred and forty-five of the Army Act (which relates to the liability of a soldier to maintain wife and children) shall be amended as follows:—

(*a*) in subsection (2), for the words from "the Army Council or officer shall" to the end of the subsection there shall be substituted the following words: "the Army Council or officer "shall order to be deducted from the pay of "the soldier and to be appropriated in liquida- "tion of the sum adjudged to be paid by such "order or decree (including any sum paid on "account thereof in accordance with the pro- "visions of subsection (3) of this section), or "towards the maintenance of the wife or children "of the soldier, as the case may be, in manner "directed by the order, such portion of the "soldier's pay as the Army Council or officer "in their or his discretion from time to time "think or thinks fit, but so that there "shall be left to the soldier (subject, however, "to the making of any other deduction autho- "rised by or under this Act) not less than one "fourth, or, if he is a warrant officer or a non- "commissioned officer not below the rank of "sergeant, not less than one-third, of his pay."

(*b*) in subsection (3) for the words from "may be "recovered" to the end of the subsection there shall be substituted the words "the "recovery thereof shall be a purpose to which "deductions from pay ordered to be made "under subsection (2) of this section may be "directed by the order to be appropriated."

(2) An order authorising deductions from pay made before the coming into operation of this section under section one hundred and forty-five of the Army Act may, after the coming into operation of this section, be varied by an order made under the said section one hundred and forty-five as amended by subsection (1) of this section.

Application to Air Force.

6. References in the two last foregoing sections of this Act to the Army Act shall be deemed to include references to the Air Force Act, and the provisions of those sections (including the Second Schedule to this Act), except any provision relating to section eighty-three or section eighty-five of the Army Act, shall apply to the Air Force Act, subject to any of the general modifications set out in Part I of the Second Schedule to the Air Force (Constitution) Act, 1917, which apply, and subject also to the modification that the words "an "order made under," wherever occurring in the said schedule, shall in the case of the Air Force Act be omitted.

SCHEDULES.

Section 3.

FIRST SCHEDULE.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where meals furnished.	Tenpence a night for the first soldier and eightpence a night for each additional soldier.
Breakfast as specified in Part I. of the Second Schedule to the Army Act.	Sevenpence each.
Dinner as so specified - - - -	Tenpence.
Supper as so specified - - - -	Fourpence.
Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Tenpence a night for the first soldier and eightpence a night for each additional soldier.
Stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw a day for each horse.	Two shillings and threepence a day.
Stable room without forage - - -	Sixpence a day.
Lodging and attendance for officer - -	Three shillings a night.

Note.—An officer shall pay for his food.

In the application of this Schedule to the Air Force references to Air Force Act and airman shall be substituted for references to Army Act and soldier.

Section 4.

SECOND SCHEDULE.

Sections to be amended.	How to be amended.
S. 78 - -	In subsection (2), after the words "twelve years in the whole" there shall be inserted the words "reckoned, in the case of a soldier to whom an order made under the proviso to section seventy-six of this Act applies, from the day on which he attained the age of eighteen years and, in the case of any other soldier,"
S. 79 - -	In paragraph (1), after the word "reckon" there shall be inserted the words "in the case of a soldier to whom an order made under the proviso to section seventy-six of this Act applies, from the day on which he attains the age of eighteen years and, in the case of any other soldier,"
S. 83 - -	In paragraph (1), for the words "three months after" there shall be substituted the words "three months reckoned, in the case of a soldier to whom an order made under the proviso to section seventy-six of this Act applies, from the date of his appointment to a corps and, in the case of any other soldier, from"
S. 84 - -	In subsection (1), after the words "nine years" there shall be inserted the words "reckoned, in the case of a soldier to whom an order made under the proviso to section seventy-six of this Act applies, from the day on which he attained the age of eighteen years and, in the case of any other soldier,"; and for the words "reckoned from the date of his attestation" there shall be substituted the words "reckoned as aforesaid."
S. 85 - -	For the words "a total period of twenty-one years' service" there shall be substituted the words "the total period of service for which he has re-engaged under the last preceding section of this Act."

CHAPTER 21.

An Act to re-impose income tax and to apply with respect to income tax and the annual value of property the like provisions (subject to the exception of certain temporary provisions contained in the Finance Act, 1926, and the Finance Act, 1927) as were applied in the last preceding year, to continue the duties of customs charged by section seven of the Finance Act, 1925, on hops, preparations of hops and beer, and the additional excise drawback payable under the said section, to impose a duty of customs on hop oil, to apply section ninety-eight of the Customs Consolidation Act, 1876, to hops, and to repeal the duty of excise payable on bets made with a bookmaker, the railway passenger duty, and the duty of customs on tea. [10th May 1929.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Income Tax.

Income Tax for 1929–30.

1.—(1) Income tax for the year 1929–30 shall be charged at the standard rate of four shillings in the pound, and, in the case of an individual whose total income from all sources exceeds two thousand pounds, at the same higher rates in respect of the excess over

two thousand pounds as were charged for the year 1928–29.

(2) All such enactments as had effect with respect to the income tax charged for the year 1928–29 (other than subsection (3) of section twenty-nine and subsection (2) of section thirty-two of the Finance Act, 1926, and section twenty-eight of the Finance Act, 1927), shall have effect with respect to the income tax charged for the year 1929–30.

16 & 17 Geo. 5. c. 22.
17 & 18 Geo. 5. c. 10.

(3) The annual value of any property which has been adopted for the purpose of income tax under Schedules A and B for the year 1928–29 shall be taken as the annual value of that property for the same purpose for the year 1929–30:

Provided that this subsection shall not apply to lands, tenements and hereditaments in the administrative county of London with respect to which the valuation list under the Valuation (Metropolis) Act, 1869, is by that Act made conclusive for the purposes of income tax.

32 & 33 Vict. c. 67.

CUSTOMS AND EXCISE.

Repeal of duty on bets. 16 & 17 Geo. 5. c. 22.

2.—(1) The excise duty chargeable under section fifteen of the Finance Act, 1926, on bets made with a bookmaker shall cease to be charged.

(2) This section shall be deemed to have had effect as from the sixteenth day of April, nineteen hundred and twenty-nine.

Repeal of railway passenger duty. 5 & 6 Vict. c. 79.

3.—(1) The duty of excise chargeable in respect of passengers conveyed upon railways under the Railway Passenger Duty Act, 1842, as amended by any subsequent enactment, shall cease to be charged.

(2) This section shall be deemed to have had effect as from the first day of April, nineteen hundred and twenty-nine.

Continuation of customs duties imposed by s. 7 of 15 & 16 Geo. 5. c. 36.

4.—(1) Subject as hereinafter provided, the duties of customs charged by section seven of the Finance Act, 1925, for a period of four years beginning on the sixteenth day of August, nineteen hundred and twenty-five, on hops, on extracts, essences and other preparations made from hops, and on beer, shall continue to be

payable for a further period of four years from the date on which the period aforesaid expires :

Provided that, as from the date on which the period first mentioned in this section expires, hop oil shall cease to be chargeable with duty as a preparation made from hops and in lieu thereof a duty of customs at the rate of twenty shillings the ounce shall be payable on hop oil during the said further period of four years.

(2) The additional excise drawback payable under subsection (3) of the said section for a period of four years beginning on the sixteenth day of November, nineteen hundred and twenty-five, in respect of beer shall continue to be allowed for a further period of four years from the date on which the aforesaid period expires.

(3) The provisions of section ninety-eight of the Customs Consolidation Act, 1876, which relate to the charging of duty on the quantity of goods ascertained by weight, measure or strength at the time of actual delivery thereof, shall apply to hops when cleared from a warehouse for home use as they apply to the specially excepted goods mentioned in that section. 39 & 40 Vict. c. 36.

5.—(1) The customs duty chargeable on tea until the first day of August, nineteen hundred and twenty-nine, shall cease to be charged. Repeal of tea duty.

(2) This section shall be deemed to have had effect as from the twenty-second day of April, nineteen hundred and twenty-nine.

6.—(1) This Act, so far as it relates to income tax, shall be construed as one with the Income Tax Acts. Construction, short title and repeal.

(2) This Act may be cited as the Finance Act, 1929.

(3) The enactments set out in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

Section 6.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
5 & 6 Vict. c. 79.	The Railway Passenger Duty Act, 1842.	The whole Act so far as relates to railway passenger duty.
10 & 11 Vict. c. 42.	The Railway Passenger Duty Act, 1847.	The whole Act.
11 & 12 Vict. c. 118.	The Excise Act, Act, 1848.	Section two.
26 & 27 Vict. c. 33.	The Revenue Act, 1863.	Section thirteen.
39 & 40 Vict. c. 36.	The Customs Consolidation Act, 1876.	In section forty-two, the word "Tea."
46 & 47 Vict. c. 34.	The Cheap Trains Act, 1883.	Sections two and seven.
59 & 60 Vict. c. 48.	The Light Railways Act, 1896.	The proviso to subsection (2) of section twelve.
11 & 12 Geo. 5. c. 32.	The Finance Act, 1921.	Paragraph (*a*) of subsection (1) and subsection (3) of section six.
16 & 17 Geo. 5. c. 22.	The Finance Act, 1926.	Paragraph (*a*) of subsection (1) and subsections (3) and (4) of section fifteen; in subsection (1) of section sixteen the words "of betting duty and", paragraph (*a*), in paragraph (*c*) the words from "and of any books" to the end of the paragraph, paragraph (*d*), and subsections (2), (3) and (4) of section sixteen; paragraph (*a*) of subsection (2) of section seventeen; section eighteen from "the expression 'police authority'" to the end of the section.
17 & 18 Geo. 5. c. 10.	The Finance Act, 1927.	Section eighteen.
18 & 19 Geo. 5. c. 17.	The Finance Act, 1928.	Sections one and fourteen.

CHAPTER 22.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty, and to appropriate the Supplies granted in this Session of Parliament.

[10th May 1929.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Grant out of Consolidated Fund.

Issue of £251,939,597 out of the Consolidated Fund.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty, the sum of two hundred and fifty-one million nine hundred and thirty-nine thousand five hundred and ninety-seven pounds.

Power for the Treasury to borrow.

2.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole two hundred and fifty-one million nine hundred and thirty-nine thousand five hundred and ninety-seven pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and thirty, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per cent. per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

(5) The interest on any money borrowed under this section shall be paid out of the permanent annual charge for the National Debt.

APPROPRIATION OF GRANTS.

Appropriation of sums voted for supply services.

3. All sums granted by this Act and the other Acts mentioned in Schedule (A) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by the said schedule, in the aggregate, to the sum of four hundred and twenty-five millions and one thousand six hundred and fifty-four pounds eighteen shillings and seven pence are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A), for the services and purposes expressed in Schedule (B) annexed hereto.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

In addition to the sums hereby granted out of the Consolidated Fund, there may be applied out of any money directed under section two of the Public Accounts and Charges Act, 1891, to be applied as appropriations in aid of the grants for the services and purposes specified in Schedule (B) annexed hereto the sums respectively set forth in the last column of the said schedule.

54 & 55 Vict. c. 24.

Treasury may, in certain cases of exigency, authorise expenditure

4.—(1) So long as the aggregate expenditure on naval military and air services respectively is not made to exceed the aggregate sums appropriated by this Act for those services respectively, any surplus arising on any vote for those services, either by an excess of the sum

realised on account of appropriations in aid of the vote over the sum which may be applied under this Act as appropriations in aid of that vote, or by saving of expenditure on that vote, may, with the sanction of the Treasury, be temporarily applied either in making up any deficiency in the sums realised on account of appropriations in aid of any other vote in the same department, or in defraying expenditure in the same department which is not provided for in the sums appropriated to the service of the department by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course.

unprovided for; provided that the aggregate grants for the navy services, army services and air services respectively be not exceeded.

(2) A statement showing all cases in which the sanction of the Treasury has been given to the temporary application of a surplus under this section, and showing the circumstances under which the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the naval military and air services for the year, in order that any temporary application of any surplus sanctioned by the Treasury under this section may be submitted for the sanction of Parliament.

5. Whereas under the powers given for the purpose by the Appropriation Acts, 1927 and 1928, surpluses arising on certain votes for the navy, army and air services respectively have been applied as shown in the account set out in Schedule (C) to this Act:

Sanction for navy, army and air expenditure for 1927 unprovided for.
17 & 18 Geo. 5. c. 11.
18 & 19 Geo. 5. c. 18.

It is enacted that the application of those surpluses as shown in the said account is hereby sanctioned.

6.—(1) A person shall not receive any payment out of a grant which may be made in pursuance of this Act for half-pay or army, navy, air force, or civil non-effective services, until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Treasury before one of the persons prescribed by the warrant:

Declaration required in certain cases before receipt of sums appropriated.

Provided that the Treasury may dispense with the production of a declaration under this section in respect of any payment if such a declaration has been subscribed within a period of seven calendar months preceding the date of the payment.

(2) Any person who makes a declaration for the purpose of this section knowing the same to be untrue in any material particular shall be guilty of a misdemeanour.

Short title.

7. This Act may be cited for all purposes as the Appropriation Act, 1929.

ABSTRACT

OF

SCHEDULES (A.) and (B.) to which this Act refers.

Section 3.

SCHEDULE (A.)

	£	*s.*	*d.*
Grants out of the Consolidated Fund -	425,001,654	18	7

Section 3.

SCHEDULE (B.)—APPROPRIATIONS OF GRANTS.

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
1927 and 1928.	£	*s.*	*d.*	£	*s.*	*d.*
Part 1. Civil Estimates Excess, 1927 -	90,147	18	7	*—1,265	1	3
„ 2. Navy (Supplementary), 1928	100	0	0	364,000	0	0
„ 3. Army (Supplementary), 1928	115,000	0	0	145,000	0	0
„ 4. Civil (Supplementary), 1928	3,368,710	0	0	2,672,652	0	0
£	3,573,957	18	7	3,180,386	18	9

* Deficit.

SCHEDULE (B.)—APPROPRIATIONS OF GRANTS—*cont.*

SCHED. (B.) Appropriations of Grants.

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
	£	*s.*	*d.*	£	*s.*	*d.*
1929.						
Part 5. Navy - -	55,865,000	0	0	4,223,400	0	0
,, 6. Army - -	40,545,000	0	0	8,413,000	0	0
Army (Ordnance Factories) -	100	0	0	2,875,900	0	0
,, 7. Air Force - -	16,200,000	0	0	3,445,100	0	0
£	112,610,100	0	0	18,957,400	0	0
Part 8. Civil, Class I. -	2,191,338	0	0	4,968,591	0	0
,, 9. Civil, Class II. -	5,227,243	0	0	873,433	0	0
,, 10. Civil, Class III. -	12,406,668	0	0	2,389,288	0	0
,, 11. Civil, Class IV. -	50,004,126	0	0	5,883,853	0	0
,, 12. Civil, Class V. -	79,056,226	0	0	6,611,585	0	0
,, 13. Civil, Class VI. -	9,257,716	0	0	2,775,815	0	0
,, 14. Civil, Class VII.	8,230,002	0	0	1,350,155	0	0
,, 15. Civil, Class VIII.	56,331,642	0	0	1,251,973	0	0
,, 16. Civil, Class IX. -	873,878	0	0	1,137,095	0	0
,, 17. Civil, Class X. -	15,560,333	0	0	—		
TOTAL, CIVIL £	239,139,172	0	0	27,241,788	0	0
Part 18. Revenue Departments, &c.	69,678,425	0	0	3,001,617	0	0
GRAND TOTAL £	425,001,654	18	7	52,381,191	18	9

SCHED. (A.) Grants out of the Consolidated Fund.

SCHEDULE (A.)

GRANTS OUT OF THE CONSOLIDATED FUND.

	£	s.	d.
For the service of the year ended on the 31st day of March 1928 :—			
Under Act 19 Geo. 5. c. 10. - - -	90,147	18	7
For the service of the year ending on the 31st day of March 1929 :—			
Under Act 19 Geo. 5. c. 2. - - -	1,575,710	0	0
For the service of the year ending on the 31st day of March 1929 :—			
Under Act 19 Geo. 5. c. 10. - -	1,908,100	0	0
For the service of the year ending on the 31st day of March 1930 :—			
Under Act 19 Geo. 5. c. 10. - -	169,488,100	0	0
Under this Act - - - - -	251,939,597	0	0
TOTAL - - - - -	£425,001,654	18	7

SCHED. (B.) PART 1. Civil Service Excess, 1927.

SCHEDULE (B.)—PART 1.

CIVIL SERVICE EXCESS, 1927.

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
	£	s.	d.	£	s.	d.
Sum granted to make good an excess on the grant for Old Age Pensions, for the year ended on the 31st day of March 1928 - - - £	88,882	17	4	* −1,265	1	3

* Deficit.

SCHEDULE (B.)—PART 2.

SCHED. (B.) PART 2. Navy (Supplementary), 1928.

NAVY (SUPPLEMENTARY), 1928.

SUM granted to meet EXPENDITURE not provided for in the grant for Navy Services for the year ending on the 31st day of March 1929.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote 1.—Wages, &c., of Officers and Men of the Royal Navy, and Royal Marines, &c. - -	Cr. 24,900	2,000
„ 2.—Victualling and Clothing for the Navy - - - - -	Cr. 27,000	10,000
„ 3.—Medical Establishments and Services - - - - -	Cr. 16,000	—
„ 4.—Fleet Air Arm - - -	Cr. 71,700	—
„ 5.—Educational Services - -	Cr. 5,000	5,000
„ 6.—Scientific Services - - -	Cr. 12,000	6,000
„ 8.—Shipbuilding, Repairs, Maintenance, &c.—		
Section I.—Personnel -	Cr. 106,000	—
Section II.—Matériel -	Cr. 77,000	—
Section III.—Contract Work	229,000	101,000
„ 9.—Naval Armaments- - -	Cr. 102,000	285,000
„ 10.—Works, Buildings, and Repairs at Home and Abroad - -	195,000	—45,000*
„ 11.—Miscellaneous Effective Services - - - - - -	6,000	—
„ 13.—Non-Effective Services (Naval and Marine)—Officers - -	11,700	—
	100	364,000

* Deficit.

SCHED. (B.) PART 3. Army (Supplementary), 1928.

SCHEDULE (B.)—PART 3.

ARMY (SUPPLEMENTARY), 1928.

SUM granted to meet the excess cost involved in the employment of extra troops in CHINA, not provided for in the ARMY ESTIMATES for the year ending on the 31st day of March, 1929.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote 1.—Pay, &c. of the Army - -	85,000	—
,, 3.—Medical Services - - -	40,000	—
,, 5.—Quartering and Movements -	293,000	—
,, 6.—Supplies, Road Transport and Remounts - - - -	Cr. 19,000	—
,, 7.—Clothing - - - -	12,000	—
,, 9.—Warlike Stores - - -	Cr.145,000	145,000
,, 10.—Works, Buildings and Lands -	Cr. 10,000	—
,, 11.—Miscellaneous Services - -	Cr.151,000	—
,, 12.—War Office - - - -	10,000	—
	115,000	145,000

SCHEDULE (B.)—PART 4.

SCHED. (B.) PART 4. Civil (Supplementary), 1928.

CIVIL (SUPPLEMENTARY), 1928.

SCHEDULE of SUPPLEMENTARY SUMS granted to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1929, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL.		
CLASS I.	£	£
For the salaries and other expenses in the department of His Majesty's Treasury and subordinate departments - -	437	—
For the salaries and expenses of the department of the Government Chemist	1,600	—
For the salaries and expenses of the Mint, including the Expenses of Coinage, and the expenses of the preparation of medals, dies for postage and other stamps, and His Majesty's seals - -	100	2,509,100
CLASS II.		
For sundry dominion services, for advances in certain cases on account of liabilities assumed by the Government of the Irish Free State in connection with compensation for damage to property or with land purchase, for certain ex-gratia grants, and for expenditure in connection with ex-service men in the Irish Free State, and for a grant-in-aid to the Irish Free State in respect of compensation to transferred officers - - - - - - -	416,000	—
For the salaries and expenses of the department of His Majesty's Secretary of State for the Colonies - - - -	1,500	—
For sundry Colonial and Middle Eastern Services under His Majesty's Secretary of State for the Colonies, including certain non-effective services and grants-in-aid - - - - - - - -	15,000	—
Carried forward - - £	434,637	2,509,100

SCHED. (B.) PART 4. Civil (Supplementary), 1928.

SCHEDULE (B.)—PART 4—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL—*cont.*		
	£	£
Brought forward -	434,637	2,509,100
CLASS III.		
For the salaries and expenses of the Lord Advocate's Department, and other law charges, the salaries and expenses of the Courts of Law and Justice, and of Pensions Appeals Tribunals in Scotland, and bonus on certain statutory salaries - - - - - - -	6,000	—
CLASS V.		
For the salaries and expenses of the Ministry of Labour and subordinate departments, including the exchequer contribution to the Unemployment Fund, grants to associations, local education authorities and others under the Unemployment Insurance, Labour Exchanges and other Acts; expenses of the Industrial Court; contribution towards the expenses of the International Labour Organisation (League of Nations); expenses of training and transference of workpeople and their families within Great Britain and oversea; and sundry services, including services arising out of the war - -	466,000	152,000
For the payment of Old Age Pensions, for certain administrative expenses in connection therewith, and for pensions under the Blind Persons Act, 1920 - - - - - - -	559,000	—
Carried forward - - - £	1,465,637	2,661,100

SCHEDULE (B.)—PART 4—*continued.*

SCHED. (B.) PART 4. Civil (Supplementary), 1928.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL—*cont.*		
	£	£
Brought forward - -	1,465,637	2,661,100
CLASS VI.		
For the payment of grants in respect of local rates on certain private mineral railways - - - - -	20,000	—
For the salaries and expenses of the Department of Overseas Trade, including a Grant in Aid of the Imperial Institute - - - - -	10	11,552
For a grant-in-aid of the Railway Freight Rebates (Anticipation) Fund - -	1,000,000	—
CLASS VII.		
For expenditure in respect of Houses of Parliament buildings - - - - -	5,000	—
For expenditure in respect of royal parks and pleasure gardens - - - - -	20,000	—
CLASS IX.		
For grants-in-aid of the Lord Mayor's Fund and towards the cost of administration of the fund and co-ordination of other funds for relief in distressed mining areas - - - - - -	755,000	—
For grants-in-aid of relief in distressed mining areas in Scotland and towards the cost of administration of the distress in Mining Areas (Scotland) Fund	103,063	—
TOTAL, CIVIL - - £	3,368,710	2,672,652

SCHED. (B.) PART 5. Navy.

SCHEDULE (B.)—PART 5.

NAVY.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the NAVY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1930; viz. :—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For wages, &c., to 100,300 officers, seamen, and boys, and royal marines; and civilians employed on fleet services	14,244,000	65,560
2.	For victualling and clothing for the navy, including the cost of victualling establishments at home and abroad	3,873,400	845,533
3.	For medical services, including the cost of medical establishments at home and abroad	420,000	65,227
4.	For the fleet air arm	1,300,000	—
5.	For educational services	232,200	81,765
6.	For scientific services	470,400	78,064
7.	For the royal naval reserve, the royal fleet reserve, and the royal naval volunteer reserve, &c.	392,000	435
8.	Sect. 1. For the personnel for shipbuilding, repairs, maintenance, &c., at dockyards and naval yards at home and abroad	6,770,000	299,020
„	Sect. 2. For the matériel for shipbuilding, repairs, maintenance, &c., at dockyards and naval yards at home and abroad	5,021,300	1,636,200
„	Sect. 3. For contract work for shipbuilding, repairs, &c.	7,228,300	90,504
	Carried forward £	39,951,600	3,162,308

SCHEDULE (B.)—PART 5—*continued.*

SCHED. (B.) PART 5. Navy.

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - -	39,951,600	3,162,308
9.	For naval armaments - - -	3,544,000	386,667
10.	For works, buildings, and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants in aid, and other charges connected therewith -	1,907,700	527,700
11.	For various miscellaneous effective services - - - - -	721,800	70,470
12.	For the Admiralty Office - -	1,187,000	15,911
13.	For non-effective services (naval and marine)—officers - - -	3,068,500	23,479
14.	For non-effective services (naval and marine)—men - - - -	4,527,000	34,550
15.	For civil superannuation, compensation allowances and gratuities -	957,400	2,315
	TOTAL, NAVY SERVICES £	55,865,000	4,223,400

SCHED. (B.) PART 6. Army.

SCHEDULE (B.)—PART 6.

ARMY.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the ARMY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on 31st day of March 1930; viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
No. 1. For the pay, &c., of His Majesty's Army (to a number not exceeding 150,500) at home and abroad (exclusive of His Majesty's Indian Possessions other than Aden) -	8,730,000	3,921,000
2. For the Army Reserve, Supplementary Reserve, Territorial Army, Officers' Training Corps, and Colonial Militia, &c. - - -	5,432,000	35,300
3. For medical services - - -	985,000	41,500
4. For educational establishments -	895,000	150,000
5. For quartering and movements -	1,415,000	865,000
6. For supplies, road transport, and remounts - - - - -	5,007,000	379,000
7. For clothing - - - - -	1,175,000	133,000
8. For general stores - - - -	1,513,000	226,000
9. For warlike stores, including technical establishments - - - -	2,538,000	911,000
Carried forward - - £	27,690,000	6,661,800

SCHEDULE (B.)—PART 6—*continued.*

SCHED. (B.) PART 6. Army.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	27,690,000	6,661,800
No.		
10. For works, buildings, and lands, including military and civilian staff and other charges in connection therewith - - - - -	2,848,000	275,000
11. For miscellaneous effective services -	881,000	318,000
12. For the War Office - - - - -	861,000	4,000
13. For rewards, half-pay, retired pay, widows' pensions, and other non-effective charges for officers - -	3,738,000	632,100
14. For the Royal Hospital, Chelsea, and Kilmainham hospital, out-pensions, rewards for distinguished service, widows' pensions, and other non-effective charges for warrant officers, non-commissioned officers, and men, &c. - - -	4,294,000	522,000
15. For civil superannuation, compensation, additional allowances, gratuities, injury grants, &c. -	233,000	100
TOTAL, ARMY SERVICES £	40,545,000	8,413,000
ARMY (ORDNANCE FACTORIES).		
For the ordnance factories, the cost of productions of which will be charged to the army, navy, air force and Indian, Dominion and Colonial Governments - - - - - - -	100	2,875,900
TOTAL ARMY SERVICES (INCLUDING ORDNANCE FACTORIES) - - £	40,545,100	11,288,900

SCHED. (B.) PART 7. Air.

SCHEDULE (B.)—PART 7.

AIR.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the AIR SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1930, viz. :—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the pay, &c., of 32,000 of all ranks of the Air Force (exclusive of those serving in His Majesty's Indian Possessions, other than Aden) - - - - - -	3,323,000	1,009,000
2.	For the quartering, stores (except technical), supplies, and transport	1,676,000	132,000
3.	For technical and warlike stores (including experimental and research services) - - - -	6,585,000	2,060,000
4.	For works, buildings, repairs, and lands, including civilian staff, and other charges connected therewith	1,700,000	160,000
5.	For medical services - - -	306,000	10,500
6.	For educational services - - -	498,000	10,000
7.	For auxiliary and reserve forces -	556,000	100
8.	For Civil Aviation - - - - -	450,000	23,000
9.	For the meteorological and miscellaneous effective services - -	228,000	22,000
10.	For the Air Ministry - - -	661,000	2,000
11.	For rewards, half-pay, retired pay, widows' pensions, and other non-effective services - - -	217,000	16,500
	TOTAL AIR SERVICES - £	16,200,000	3,445,100

SCHEDULE (B.)—Part 8.

Sched. (B.) Part 8. Civil. Class I.

CIVIL.—Class I.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1930, viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the salaries and expenses of the offices of the House of Lords -	52,873	7,000
2.	For the salaries and expenses of the House of Commons - - -	348,186	14,500
3.	For expenses under the Representation of the People Acts, 1918 to 1928 - - - - - - -	250,000	—
4.	For the salaries and other expenses in the department of His Majesty's Treasury, and subordinate departments - - - - - - -	316,253	23,434
5.	For the salaries and expenses of the department of His Majesty's most Honourable Privy Council - -	8,852	6,000
6.	For the salaries and expenses of the office of the Lord Privy Seal -	2,620	—
7.	For the salaries and expenses of the Charity Commission for England and Wales - - - - - -	41,544	3,250
8.	For the salaries and expenses of the Civil Service Commission - -	31,975	30,700
	Carried forward - - £	1,052,303	84,884

SCHED. (B.) PART 8. Civil. Class I.

SCHEDULE (B.)—PART 8—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	1,052,303	84,884
No. 9. For the salaries and expenses of the department of the Comptroller and Auditor General - - -	148,650	8,881
10. For making good the deficiency on the Income Account of the Fund for Friendly Societies - - -	5,976	—
11. For the salaries and expenses of the department of the Government Actuary - - - - -	36,287	2,800
12. For the salaries and expenses of the Department of the Government Chemist - - - - -	67,665	1,179
13. For a grant-in-aid of the Government Hospitality Fund - -	15,000	—
14. For the salaries and expenses of the Mint, including the expenses of coinage, and for the expenses of the preparation of medals, dies for postage and other stamps, and His Majesty's seals - - -	50,000	4,810,000
15. For the salaries and expenses of the National Debt Office - - -	15,091	13,760
16. For the salaries and expenses of the National Savings Committee -	82,423	—
17. For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments - - - -	37,436	700
Carried forward - £	1,510,831	4,922,204

SCHEDULE (B.)—PART 8—*continued.*

SCHED. (B.) PART 8. Civil. Class I.

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - -	1,510,831	4,922,204
18.	For the salaries and expenses of the establishment under the Public Works Loan Commissioners - -	10	25,037
19.	For making the payment due to the Local Loans Fund in respect of advances in Northern Ireland and to make good certain sums written off from the assets of the Local Loans Fund - - - - -	82,216	—
20.	For the salaries and other expenses of Royal Commissions, Committees, and Special Inquiries, &c., including provision for Shorthand and the expenses of surplus stores, &c., liquidation - - - - -	40,000	6,300
21.	For certain miscellaneous expenses, including certain grants-in-aid and bonus on certain statutory salaries - - - - - -	67,891	13,650
22.	For His Majesty's foreign and other secret services - - - - -	180,000	—
23.	For the salaries and expenses of the Scottish office and subordinate offices, expenses under the Inebriates Acts, 1879 to 1900, expenses under the Private Legislation Procedure (Scotland) Act, 1899; a subsidy for transport services to the Western Highlands and Islands; and payments in respect of unemployment schemes	281,767	1,400
24.	For repayment to the Civil Contingencies Fund of certain Miscellaneous advances - - - -	28,623	—
	TOTAL, CIVIL, CLASS I. - £	2,191,338	4,968,591

SCHED. (B.) PART 9. Civil. Class II.

SCHEDULE (B.)—PART 9.

CIVIL.—CLASS II.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1930, viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the salaries and expenses of the department of His Majesty's Secretary of State for Foreign Affairs - - - - - -	202,120	107,608
2.	For the expenses in connection with His Majesty's embassies, missions, and consular establishments abroad, and other expenditure chargeable to the Consular Vote, relief of refugees from the Near East, certain special grants, including a grant in aid, and sundry services arising out of the War (including a Supplementary sum of £82,687) - - - -	1,105,017	574,842
3.	For a contribution towards the expenses of the League of Nations and for other expenses in connection therewith, including British Representation before the Permanent Court of International Justice and for a grant-in-aid of the expenses of the Opium Enquiry Commission - - -	85,600	—
4.	For the salaries and expenses of the Department of His Majesty's Secretary of State for Dominion Affairs - - - - -	53,973	39,100
	Carried forward - - £	1,446,710	721,550

SCHEDULE (B.)—PART 9—*continued.*

SCHED. (B.) PART 9. Civil. Class II.

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - -	1,446,710	721,550
5.	For sundry Dominion services, including certain grants-in-aid for certain ex gratia grants, and for expenditure in connection with ex-service men in the Irish Free State - - - - - - -	147,170	13,845
6.	For a grant in aid of the Empire Marketing Fund - - - -	550,000	—
7.	For the expenses connected with Oversea Settlement, including certain grants in aid and expenses arising out of the Empire Settlement Act, 1922 - - - -	1,380,000	90,000
8.	For the salaries and expenses of the department of His Majesty's Secretary of State for the Colonies	147,494	4,538
9.	For sundry Colonial and Middle Eastern services under His Majesty's Secretary of State for the Colonies, including certain non-effective services, and grants in aid	908,697	43,500
10.	For a contribution towards the cost of the department of His Majesty's Secretary of State for India in Council, including a grant in aid -	109,500	—
11.	For certain salaries and expenses of the Imperial War Graves Commission, including purchase of land in the United Kingdom, and a grant in aid of the Imperial War Graves Commission Fund, formed under Royal Charter, 21st May 1917, and a contribution towards an endowment fund - - -	537,672	—
	TOTAL, CIVIL, CLASS II. - £	5,227,243	873,433

SCHED. (B.) PART 10. Civil. Class III.

SCHEDULE (B.)—PART 10.

CIVIL.—CLASS III.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1930; viz. :—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the salaries and expenses of the office of His Majesty's Secretary of State for the Home Department and subordinate offices, including liquidation expenses of the Royal Irish Constabulary and contributions towards the expenses of probation - - - - -	430,783	57,103
2.	For the expenses of the maintenance of criminal lunatics in the Broadmoor Criminal Lunatic Asylum -	70,580	4,667
3.	For the salaries of the Commissioner and Assistant Commissioners of the Metropolitan Police, and of the Receiver for the Metropolitan Police District, bonus to Metropolitan Police Magistrates, the contribution towards the expenses of the Metropolitan Police, an ex-gratia grant to the Clerk to the stipendiary magistrate for Chatham and Sheerness, the salaries and expenses of the Inspectors of Constabulary, and other grants in respect of Police Expenditure, including places of detention and a grant in aid of the Police Federation - - - - - - -	7,245,860	210
4.	For the expenses of the prisons in England and Wales - - -	975,250	224,000
	Carried forward - - £	8,722,473	285,980

SCHEDULE (B.)—PART 10—*continued.*

SCHED. (B.) PART 10. Civil. Class III.

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - -	8,722,473	285,980
5.	For grants in respect of the maintenance of juvenile offenders in reformatory and industrial schools, and in auxiliary homes in England and Wales, and whilst under supervision; also for the payment of salaries and other expenses in connection with the collection of parental contributions towards the maintenance of such children -	221,567	18,050
6.	For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal as are not charged on the Consolidated Fund, including bonus on certain statutory salaries, and a grant in aid, and the salaries and expenses of pensions appeals tribunals - - - - - -	100	500,926
7.	For the salaries and expenses connected with the County Courts, including bonus to County Court Judges - - - - - -	10	739,648
8.	For the salaries and expenses of the office of Land Registry - -	10	166,555
9.	For the salaries and expenses of the office of Public Trustee - -	10	229,331
10.	For the salaries of the law officers department, the salaries and expenses of the departments of His Majesty's Procurator-General, and of the Solicitor for the Affairs of His Majesty's Treasury, and of the department of the Director of Public Prosecutions, for the costs of prosecutions, of other legal proceedings, and of Parliamentary Agency - - - - - -	153,568	31,900
	Carried forward - - £	9,097,738	1,972,390

SCHED. (B.) PART 10. Civil. Class III.

SCHEDULE (B.)—PART 10—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	9,097,738	1,972,390
No. 11. For certain miscellaneous legal expenses, for the salaries and expenses of arbitrators, &c., under the Acquisition of Land (Assessment of Compensation) Act, 1919, and for a grant in aid of the expenses of the Law Society - -	38,653	4,125
12. For the salary and expenses of the Inspector of Constabulary and for grants in respect of Police expenditure in Scotland and for a grant in aid of the Police Federation -	866,443	—
13. For the salaries and expenses of the Prisons Department for Scotland, and of the prisons under their control, including the maintenance of criminal lunatics, defectives, and inmates of the State inebriate reformatory, the preparation of judicial statistics, and a grant for certain expenses connected with discharged prisoners - - -	137,566	23,671
14. For the expense of the maintenance of juvenile offenders in reformatory, industrial, and day industrial schools, and in auxiliary homes in Scotland, including the expenses of collection of parental contributions - - - - -	62,880	4,600
15. For the salaries and expenses of the office of the Scottish Land Court, including bonus to members of the Court - - - - - -	8,980	280
Carried forward - - £	10,212,260	2,005,066

SCHEDULE (B.)—PART 10—*continued.*

SCHED. (B.) PART 10. Civil. Class III.

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - -	10,212,260	2,005,066
16.	For the salaries and expenses of the Lord Advocate's department and other law charges, the salaries and expenses of the Courts of Law and Justice and of pensions appeals tribunals in Scotland, and bonus on certain statutory salaries - - - - -	66,900	139,000
17.	For the salaries and expenses of the offices in His Majesty's General Register House, Edinburgh - -	10	71,942
18.	For the cost of certain Northern Ireland services, including expenditure in connection with ex-service officers and men in Northern Ireland, and bonus on certain statutory salaries - - -	12,525	6,270
19.	For such of the salaries and expenses of the Supreme Court of Judicature of Northern Ireland, and of the Land Registry of Northern Ireland, as are not charged on the Consolidated Fund, and other expenses - - -	17,502	32,000
20.	For the salaries and expenses of the Land Purchase Commission, Northern Ireland, including the payment of land purchase annuities in Northern Ireland and the expenses of certain land purchase services in the Irish Free State reserved as an imperial liability -	2,097,471	135,010
	TOTAL, CIVIL, CLASS III. - £	12,406,668	2,389,288

SCHED. (B.) PART 11. Civil. Class IV.

SCHEDULE (B.)—PART 11.

CIVIL.—CLASS IV.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1930, viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the salaries and expenses of the Board of Education, and of the various establishments connected therewith, including sundry grants in aid - - - - - -	41,649,899	5,129,492
2.	For the salaries and other expenses of the British Museum, and of the Natural History Museum, including certain grants in aid - -	283,559	20,679
3.	For the salaries and expenses of the Imperial War Museum - -	12,945	1,055
4.	For the salaries and expenses in respect of the London Museum, Lancaster House - - - -	4,962	1,281
5.	For the salaries and expenses of the National Gallery, and of the National Gallery of British Art, Millbank, including a grant in aid for the purchase of pictures - -	34,625	4,200
	Carried forward - - £	41,985,990	5,156,707

SCHEDULE (B.)—PART II—*continued.*

SCHED. (B.) PART II. Civil. Class IV.

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - -	41,985,990	5,156,707
6.	For the salaries and expenses of the National Portrait Gallery, including a grant in aid for the purchase of portraits - - - - -	7,903	940
7.	For the salaries and expenses of the Wallace Collection - - -	11,037	2,400
8.	For sundry grants in aid of scientific investigation, &c., and other grants - - - - - -	228,278	—
9.	For grants in aid of the expenses of certain Universities, Colleges, Medical Schools, &c., in Great Britain and for grants to schools under the Welsh Intermediate Education Act, 1889 - - -	1,586,000	—
10.	For public education in Scotland, and for the Royal Scottish Museum, Edinburgh, including a grant in aid - - - -	6,173,485	718,354
11.	For the salaries and expenses of the National Gallery, Scotland, the Scottish National Portrait Gallery, and the Museum of Antiquities, including certain grants in aid - - - -	10,728	314
12.	For the salaries and expenses of the National Library, Scotland, including a grant in aid - - -	705	5,138
	TOTAL, CIVIL, CLASS IV. £	50,004,126	5,883,853

SCHED. (B.) PART 12. Civil. Class V.

SCHEDULE (B.)—PART 12.

CIVIL.—CLASS V.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1930, viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the salaries and expenses of the Ministry of Health, including grants and other expenses in connection with Housing, grants to local authorities, &c., in connection with Public Health Services, including a grant in aid, grants in aid in respect of benefits and expenses of administration under the National Health Insurance Acts, certain expenses in connection with the Widows', Orphans' and Old Age Contributory Pensions Act, 1925, and certain special services - -	21,228,664	1,100,000
2.	For the salaries and expenses of the Board of Control (Lunacy and Mental Deficiency), England, and grants in respect of the maintenance of certain ex-service mental patients - - - -	829,927	17,842
3.	For the salaries and expenses of the department of the Registrar General of Births, &c. - - -	89,748	24,500
	Carried forward - - £	22,148,339	1,142,342

SCHEDULE (B.)—PART 12—*continued.*

SCHED. (B.) PART 12. Civil. Class V.

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - -	22,148,339	1,142,342
4.	For the salaries and expenses of the audit staff under the National Health Insurance Acts, 1924 to 1928 - - - - - - -	168,610	4,800
5.	For grants to local authorities, &c., in England and Wales, in respect of capital works approved as unemployment schemes and for grants to local authorities, &c., in Great Britain for assistance in carrying out approved schemes of useful work financed otherwise than by way of loan to relieve unemployment - - - - -	1,790,000	—
6.	For the salaries and expenses of the Registry of Friendly Societies -	45,373	5,000
7.	For the payment of Old Age Pensions, for certain administrative expenses in connection therewith, and for pensions under the Blind Persons Act, 1920 - - -	35,537,000	3,000
8.	For the Treasury Pensions Account in accordance with the provision of the Widows', Orphans' and Old Age Contributory Pensions Act, 1925 - - - - - - -	4,000,000	—
	Carried forward - - £	63,689,322	1,155,142

SCHED. (B.) PART 12. Civil Class V.

SCHEDULE (B.)—PART 12—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	63,689,322	1,155,142
No. 9. For the salaries and expenses of the Ministry of Labour and Subordinate Departments, including the Exchequer contribution to the Unemployment Fund, grants to associations, local education authorities and others under the Unemployment Insurance Labour Exchanges and other Acts; expenses of the Industrial Court; contribution towards the expenses of the International Labour Organisation (League of Nations), expenses of training and transference of workpeople and their families within Great Britain and Oversea, and sundry services, including services arising out of the war - - - - - - -	12,159,000	5,313,000
10. For the salaries and expenses of the Department of Health for Scotland, including grants and other expenses in connection with housing, grants to local authorities, &c., in connection with public health services, grant-in-aid of the Highlands and Islands medical service, grants-in-aid of benefits and expenses of administration under the National Health Insurance Acts, certain expenses in connection with the Widows', Orphans' and Old Age Contributory Pensions Act, 1925, and certain special services - - - - -	3,099,518	140,928
Carried forward - - £	78,947,840	6,609,070

SCHEDULE (B.)—Part 12—*continued.*

Sched. (B.) Part 12. Civil. Class V.

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
	Brought forward - -	78,947,840	6,609,070
11.	For the salaries and expenses of the General Board of Control for Scotland and grants in respect of the maintenance of certain ex-service mental patients - -	92,079	515
12.	For the salaries and expenses of the department of the Registrar General of Births, &c., in Scotland -	16,307	2,000
	Total, Civil, Class V. - £	79,056,226	6,611,585

SCHEDULE (B.)—Part 13.

Sched. (B.) Part 13. Civil. Class VI.

CIVIL.—Class VI.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1930, viz. :—

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
1.	For the salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments, including certain Services arising out of the War -	210,551	355,598
	Carried forward - - £	210,551	355,598

SCHED. (B.) PART 13. Civil. Class VI.

SCHEDULE (B.)—PART 13—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	210,551	355,598
No. 2. For the salaries and expenses of the Board of Trade under the Bankruptcy Acts, 1914 and 1926, and the Economy (Miscellaneous Provisions) Act, 1926 - - - -	10	162,505
3. For the salaries and expenses of certain services transferred from the Mercantile Marine Fund and other services connected with the Mercantile Marine, including the Coastguard, General Register and Record Office of Shipping and Seamen, Merchant Seamen's Fund Pensions and grants to the General Lighthouse Fund and other Lighthouse Authorities - - - -	409,728	257,176
4. For the salaries and expenses of the Department of Overseas Trade, including grants in aid of the Imperial Institute and the Travel Association of Great Britain -	368,783	136,459
5. For guarantees in respect of exports of goods wholly or partly produced or manufactured in the United Kingdom and for the salaries and expenses of the Export Credits Department - - - - -	72,240	49,750
6. For the salaries and expenses of the Mines Department of the Board of Trade - - - - - - -	168,205	6,939
7. For the salaries and expenses in the office of Commissioners of Crown Lands, including bonus to Commissioner and Secretary -	30,090	—
Carried forward - - £	1,259,607	968,427

SCHEDULE (B.)—PART 13—*continued.*

SCHED. (B.) PART 13. Civil. Class VI.

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - -	1,259,607	968,427
8.	For the salaries and expenses of the Ministry of Agriculture and Fisheries, expenses under the Agricultural Wages (Regulation) Act, 1924, a grant under the Agricultural Credits Act, 1928, loans to co-operative marketing societies, grants for Agricultural Education and Research, grants for eradication of Tuberculosis in cattle, grants for land drainage, grants-in-aid of the Small Holdings Account, and certain other grants-in-aid; and of the Royal Botanic Gardens, Kew - -	2,953,863	500,845
9.	For a subsidy on sugar and molasses manufactured from beet grown in Great Britain - - - -	3,000,000	—
10.	For the expenses of the survey of Great Britain, and of minor services connected therewith -	140,980	99,040
11.	For a grant in aid of the Forestry Fund - - - - - -	500,000	—
2.	For the salaries and expenses of the Ministry of Transport under the Ministry of Transport Act, 1919, expenses of the Railway Rates Tribunal under the Railways Act, 1921, expenses under the London Traffic Act, 1924, expenses in respect of advances under the Light Railways Act, 1896, expenses of maintaining Holyhead Harbour, advances to meet deficit in Ramsgate Harbour Fund, advances to Caledonian and Crinan Canals, and for expenditure in connection with the Severn Barrage Investigation -	107,060	166,400
	Carried forward - - £	7,961,510	1,734,712

SCHED. (B.) PART 13. Civil. Class VI.

SCHEDULE (B.)—PART 13—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	7,961,510	1,734,712
No. 13. For a grant-in-aid of the Development Fund - - - - -	300,000	—
14. For the salaries and expenses of the Department of Scientific and Industrial Research, including the Geological Survey of Great Britain, and Museum of Practical Geology and a grant in aid - - -	446,214	198,165
15. For the salaries and expenses of the State Management Districts, including the salaries of the central office and the cost of acquisition and management of licensed premises - - -	100	673,520
16. For the salaries and expenses of the Department of Agriculture for Scotland, including grants for agricultural education and training, loans to co-operative societies, and certain grants in aid - -	484,047	146,375
17. For the salaries and expenses of the Fishery Board for Scotland, including expenses of marine superintendence, and grants in aid of piers or quays - - -	65,845	23,043
TOTAL, CIVIL, CLASS VI. £	9,257,716	2,775,815

SCHEDULE (B.)—Part 14.

Sched. (B.) Part 14. Civil. Class VII.

CIVIL.—Class VII.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1930, viz. :—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For expenditure in respect of Art and Science buildings, Great Britain -	271,000	8,820
2.	For expenditure in respect of the Houses of Parliament buildings -	95,800	500
3.	For expenditure in respect of Housing Estates under the management of the Office of Works - - - - -	11,350	45,720
4.	For expenditure in respect of Employment Exchange, and Insurance buildings, Great Britain (including Ministries of Labour and Health and the Department of Health for Scotland) - - -	541,400	9,320
5.	For expenditure in respect of miscellaneous legal buildings including the whole additional cost of a new Sheriff Court House at Edinburgh - - - - -	107,100	1,000
	Carried forward - - £	1,026,650	65,360

SCHED. (B.) PART 14. Civil. Class VII.

SCHEDULE (B.)—PART 14—*continued.*

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - -	1,026,650	65,360
6.	For expenditure in respect of Osborne - - - - - -	16,230	5,070
7.	For the salaries and expenses of the office of the Commissioners of His Majesty's Works and Public Buildings - - - - -	621,520	125,800
8.	For expenditure in respect of sundry public buildings in Great Britain not provided for on other Votes, including Historic Buildings, Ancient Monuments and Brompton Cemetery - -	1,282,340	213,650
9.	For expenditure in respect of public buildings overseas - - -	277,040	7,230
10.	For expenditure in respect of royal palaces, including a grant in aid -	82,860	11,950
11.	For expenditure in respect of Customs and Excise, Inland Revenue, Post Office and Telegraph buildings in Great Britain, certain Post Offices abroad, and for certain expenses in connection with boats and launches belonging to the Customs and Excise Department - - - - - - -	1,061,910	25,150
	Carried forward - - £	4,368,550	454,210

SCHEDULE (B.)—PART 14—*continued.*

SCHED. (B.) PART 14. Civil. Class VII.

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - -	4,368,550	454,210
12.	For expenditure in respect of the royal parks and pleasure gardens -	208,620	44,050
13.	For rates and contributions in lieu of rates, &c., in respect of property in the occupation of the Crown for the Public Service, and for rates on buildings occupied by Representatives of British Dominions and of Foreign Powers, and to pay the salaries and expenses of the Rating of Government Property Department, and a grant in aid of the expenses of the London Fire Brigade - - - - -	1,938,460	46,500
14.	For stationery, printing, paper, binding, and printed books for the public service, for the salaries and expenses of the Stationery Office, and for sundry miscellaneous services, including reports of Parliamentary Debates - -	1,583,842	775,275
15.	For the expense of constructing a new harbour of refuge at Peterhead - - - - - -	32,000	—
16.	For expenditure in respect of public works and buildings in Ireland -	98,530	30,120
	TOTAL, CIVIL, CLASS VII. £	8,230,002	1,350,155

SCHED. (B.) PART 15. Civil. Class VIII.

SCHEDULE (B.)—PART 15.

CIVIL.—CLASS VIII.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1930, viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For War pensions and allowances (including cost of treatment) to merchant seamen and fishermen and their dependants, and the administrative expenses connected therewith - - - - -	390,989	—
2.	For the salaries and expenses of the Ministry of Pensions, and for sundry contributions in respect of the administration of the Ministry of Pensions Act, 1916, and the War Pensions Acts, 1915 to 1921, and sundry services -	53,723,500	20,000
3.	For the expenses of pensions, compensation allowances and gratuities awarded to retired and disbanded members and staff of the Royal Irish Constabulary, and to widows and children of such members, including annuities to the National Debt Commissioners in respect of commutation of compensation allowances and certain extra-statutory payments - -	701,120	1,158,973
	Carried forward - - £	54,815,609	1,178,973

SCHEDULE (B.)—PART 15—*continued.*

SCHED. (B.) PART 15. Civil. Class VIII.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	54,815,609	1,178,973
No. 4. For superannuation, compensation, compassionate and additional allowances and gratuities under sundry Statutes, for compassionate allowances, gratuities and supplementary pensions awarded by the Treasury, and, under the Government of Ireland Act, 1920, by the Civil Service Committee -	1,516,033	73,000
TOTAL, CIVIL, CLASS VIII. £	56,331,642	1,251,973

SCHEDULE (B.)—PART 16.

SCHED. (B.) PART 16. Civil. Class IX.

CIVIL.—CLASS IX.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1930, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No. 1. For the salaries and expenses of the clearing office for enemy debts (including enemy property department), shipping liquidation, and certain other services arising out of the war - - - - - -	£ 200	£ 284,583
Carried forward - - £	200	284,583

SCHED. (B.) PART 16. Civil. Class IX.

SCHEDULE (B.)—PART 16—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	200	284,583
No. 2. For expenditure arising out of contracts dated 9th April 1918, and 3rd March 1922, entered into with the Zinc Producers' Association Proprietary, Limited, to give effect to agreements made in 1916 and 1917, for the purchase of Zinc Concentrates - - -	731,050	852,512
3. For expenditure arising from the Government control of railways in Great Britain and Ireland under the Regulation of the Forces Act, 1871, section 16 -	100	—
4. For a grant in aid of the Lord Mayors Fund - - - - -	125,300	—
5. For a grant in aid of relief in distressed mining areas in Scotland - -	17,228	—
TOTAL, CIVIL, CLASS IX. £	873,878	1,137,095

SCHEDULE (B.)—PART 17.

Sched. (B.) Part 17. Civil. Class X.

CIVIL.—CLASS X.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1930, viz. :—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For a grant-in-aid to rating authorities in England and Wales in respect of loss of rates during the period from 1st October, 1929, to 31st March, 1930, in consequence of reduction of rateable values of certain hereditaments as from 1st October, 1929 - - - -	12,000,000	—
2.	For a grant-in-aid to rating authorities in Scotland in respect of loss of rates during the period from 1st October, 1929, to 15th May, 1930, in consequence of reduction of rateable values of certain hereditaments as from 1st October 1929 - - - - - -	1,200,000	—
3.	For a grant-in-aid of the Railway Freight Rebates (Anticipation) Fund - - - - - -	2,333,333	—
4.	For the payment of grants in respect of local rates on certain private mineral railways - - - - -	27,000	—
	TOTAL, CIVIL, CLASS X. - -	£15,560,333	—

SCHED. (B.) PART 18. Revenue Departments, &c.

SCHEDULE (B.)—PART 18.

REVENUE DEPARTMENTS, &c.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several REVENUE DEPARTMENTS, &c., herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1930, viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the salaries and expenses of the Customs and Excise Department -	4,958,000	246,000
2.	For the salaries and expenses of the Inland Revenue Department -	6,610,425	185,000
3.	For the salaries and expenses of the Post Office, including Telegraphs and Telephones - - - - -	58,110,000	2,570,617
	TOTAL REVENUE DEPARTMENTS - £	69,678,425	3,001,617

SCHEDULE (C.)—Part I.

Sched. (C.) Part I. Navy Services. Section 5.

Navy Services, 1927, Votes.	Deficits.		Surpluses.	
	Excesses of actual over estimated gross Expenditure.	Deficiencies of actual as compared with estimated Receipts.	Surpluses of estimated over actual gross Expenditure.	Surpluses of actual as compared with estimated Receipts.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. Wages, &c., of Officers, Seamen, Boys, and Royal Marines, and Civilians employed on Fleet Services	—	9,530 3 6	134,868 4 6	—
2. Victualling and Clothing	—	—	34,456 13 3	6,852 4 6
3. Medical Establishments and Services	—	—	9,099 4 9	5,424 1 4
4. Fleet Air Arm	—	—	—	—
5. Educational Services	—	—	3,122 11 10	843 1 5
6. Scientific Services	—	—	19,306 2 5	3,117 18 6
7. Royal Naval Reserve	—	111 10 2	7,625 3 2	—
8. Shipbuilding, Repairs, Maintenance, &c.:				
Sec. 1. Personnel	—	4,110 2 10	24,690 14 9	—
Sec. 2. Matériel	—	—	20,106 0 9	151,542 0 3
Sec. 3. Contract Work	61,236 19 9	11,485 12 11	—	—
9. Naval Armaments	—	—	26,360 18 11	5,090 12 11
10. Works, Buildings, and Repairs	—	49,066 12 9	32,778 11 8	—
11. Miscellaneous Effective Services	35,693 0 8	—	—	15,141 0 6
12. Admiralty Office	—	1,970 7 2	6,838 17 4	—
13. Non-Effective Services (Naval and Marine), Officers	5,780 5 1	504 17 2	—	—
14. Non-Effective Services (Naval and Marine), Men	—	1,446 15 9	6,294 0 11	—
15. Civil Superannuation, Compensation Allowances, and Gratuities	3,790 4 3	—	—	187 18 6
— Balance irrecoverable and Claims Abandoned	2,276 8 0	—	—	—
	108,776 17 9	78,226 2 3	325,547 4 3	188,198 17 11
	Total Deficits: £187,003 0 0		Total Surpluses: £513,746 2 2	
	Net Surplus: £326,743 2 2			

SCHED. (C.) PART II. Army Services. Section 5.

SCHEDULE (C.)—PART II.

ARMY SERVICES, 1927, VOTES.	Deficits.		Surpluses.	
	Excesses of actual over estimated gross Expenditure.	Deficiencies of actual as compared with estimated Receipts.	Surpluses of estimated over actual gross Expenditure.	Surpluses of actual as compared with estimated Receipts.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. Pay, &c., of the Army -	—	604,644 9 5	261,757 8 4	—
2. Territorial Army and Reserve Forces - - -	—	—	132,064 18 8	5,937 16 1
3. Medical Services - -	—	—	39,898 16 3	4,184 16 10
4. Educational Establishments	—	5,288 19 9	21,337 3 8	—
5. Quartering and Movements	—	—	165,349 14 11	46,703 2 3
6. Supplies, Road Transport and Remounts - -	—	32,702 11 3	332,397 10 11	—
7. Clothing - - - -	—	1,820 8 7	114,430 11 5	—
8. General Stores - - -	—	—	48,379 16 0	4,047 11 7
9. Warlike and Engineer Technical Stores - -	—	—	133,990 12 10	176,947 6 7
10. Works, Buildings, and Lands - - - -	—	17,725 15 3	202,534 9 8	—
11. Miscellaneous Effective Services - - - -	—	—	99,193 4 1	44,663 2 5
12. War Office - - -	—	2,327 15 7	9,024 9 6	—
13. Half-Pay, Retired Pay, and other Non-Effective Charges for Officers -	—	14,523 18 0	40,533 10 9	—
14. Pensions and other Non-Effective Charges for Warrant Officers, Non-Commissioned Officers, Men and others - -	182,442 2 4	10,712 2 7	—	—
15. Civil Superannuation, Compensation and Gratuities	—	—	9,224 8 7	443 6
— Balances irrecoverable -	11,590 14 7	—	—	—
	194,032 16 11	689,746 0 5	1,610,116 15 7	282,927 2 4
	Total Deficits: £883,778 17 4		Total Surpluses: £1,893,043 17 11	
	NET SURPLUS: £1,009,265 0 7			

SCHEDULE (C.)—Part III.

Sched. (C.) Part III. Air Services.

Air Services, 1927, Votes.	Deficits.		Surpluses.	
	Excesses of actual over estimate gross Expenditure.	Deficiencies of actual as compared with estimated Receipts.	Surpluses of estimated over actual gross Expenditure.	Surpluses of actual as compared with estimated Receipts.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. Pay, &c., of the Air Force	—	108,273 10 10	87,207 11 3	—
2. Quartering Stores (except Technical), Supplies and Transport	—	140,797 0 6	88,229 14 0	—
3. Technical and Warlike Stores (including Experimental and Research Services)	—	232,392 4 5	471,727 12 1	—
4. Works, Buildings and Lands	—	55,820 10 9	264,442 14 9	—
5. Medical Services	—	14,222 10 8	6,285 15 11	—
6. Educational Services	—	4,863 19 8	13,212 6 10	—
7. Auxiliary and Reserve Forces	—	192 6 4	5,607 11 4	—
8. Civil Aviation	—	—	47,343 1 5	3,217 4 1
9. Meteorological and Miscellaneous Effective Services	3,039 19 10	—	—	7,654 5 4
10. Air Ministry	5,255 16 4	647 14 5	—	—
11. Half-Pay, Pensions and other Non-Effective Services	—	542 9 6	11,848 9 5	—
— Balances irrecoverable and Claims Abandoned	3,141 18 7	—	—	—
	11,437 14 9	557,752 7 1	995,904 17 0	10,871 9 5
	Total Deficits: £569,190 1 10		Total Surpluses: £1,006,776 6 5	
	Net Surplus: £437,586 4 7			

CHAPTER 23.

An Act to consolidate the Companies Acts, 1908 to 1928, and certain other enactments connected with the said Acts. [10th May 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

INCORPORATION OF COMPANIES AND MATTERS INCIDENTAL THERETO.

Memorandum of Association.

Mode of forming incorporated company.

1.—(1) Any seven or more persons, or, where the company to be formed will be a private company, any two or more persons, associated for any lawful purpose may, by subscribing their names to a memorandum of association and otherwise complying with the requirements of this Act in respect of registration, form an incorporated company, with or without limited liability.

(2) Such a company may be either—

(*a*) A company having the liability of its members limited by the memorandum to the amount, if any, unpaid on the shares respectively held by them (in this Act termed "a company limited by shares"); or

(*b*) A company having the liability of its members limited by the memorandum to such amount as the members may respectively thereby undertake to contribute to the assets of the company in the event of its being wound up (in this Act termed "a company limited by guarantee"); or

(*c*) A company not having any limit on the liability of its members (in this Act termed "an unlimited company").

PART I.—*cont.*

Requirements with respect to memorandum.

2.—(1) The memorandum of every company must state—

(*a*) The name of the company, with "Limited" as the last word of the name in the case of a company limited by shares or by guarantee:

(*b*) Whether the registered office of the company is to be situate in England or in Scotland:

(*c*) The objects of the company.

(2) The memorandum of a company limited by shares or by guarantee must also state that the liability of its members is limited.

(3) The memorandum of a company limited by guarantee must also state that each member undertakes to contribute to the assets of the company in the event of its being wound up while he is a member, or within one year after he ceases to be a member, for payment of the debts and liabilities of the company contracted before he ceases to be a member, and of the costs, charges, and expenses of winding up, and for adjustment of the rights of the contributories among themselves, such amount as may be required, not exceeding a specified amount.

(4) In the case of a company having a share capital—

(*a*) The memorandum must also, unless the company is an unlimited company, state the amount of share capital with which the company proposes to be registered and the division thereof into shares of a fixed amount;

(*b*) No subscriber of the memorandum may take less than one share;

(*c*) Each subscriber must write opposite to his name the number of shares he takes.

Stamp and signature of memorandum.

3. The memorandum must bear the same stamp as if it were a deed, and must be signed by each subscriber in the presence of at least one witness who must attest the signature, and that attestation shall be sufficient in Scotland as well as in England.

Restriction on alteration of memorandum.

4. A company may not alter the conditions contained in its memorandum except in the cases, in the mode and to the extent for which express provision is made in this Act.

PART I. —*cont.*

Mode in which and extent to which objects of company may be altered.

5.—(1) Subject to the provisions of this section, a company may, by special resolution, alter the provisions of its memorandum with respect to the objects of the company, so far as may be required to enable it—

(*a*) to carry on its business more economically or more efficiently; or

(*b*) to attain its main purpose by new or improved means; or

(*c*) to enlarge or change the local area of its operations; or

(*d*) to carry on some business which under existing circumstances may conveniently or advantageously be combined with the business of the company; or

(*e*) to restrict or abandon any of the objects specified in the memorandum; or

(*f*) to sell or dispose of the whole or any part of the undertaking of the company; or

(*g*) to amalgamate with any other company or body of persons.

(2) The alteration shall not take effect until, and except in so far as, it is confirmed on petition by the court.

(3) Before confirming the alteration the court must be satisfied—

(*a*) that sufficient notice has been given to every holder of debentures of the company, and to any persons or class of persons whose interests will, in the opinion of the court, be affected by the alteration; and

(*b*) that, with respect to every creditor who in the opinion of the court is entitled to object and who signifies his objection in manner directed by the court, either his consent to the alteration has been obtained or his debt or claim has been discharged or has determined, or has been secured to the satisfaction of the court:

Provided that the court may, in the case of any person or class, for special reasons, dispense with the notice required by this section.

(4) The court may make an order confirming the alteration either wholly or in part, and on such terms and conditions as it thinks fit.

(5) The court shall, in exercising its discretion under this section, have regard to the rights and interests of the members of the company or of any class of them, as well as to the rights and interests of the creditors, and may, if it thinks fit, adjourn the proceedings in order that an arrangement may be made to the satisfaction of the court for the purchase of the interests of dissentient members, and may give such directions and make such orders as it may think expedient for facilitating or carrying into effect any such arrangement:

Provided that no part of the capital of the company shall be expended in any such purchase.

(6) An office copy of the order confirming the alteration, together with a printed copy of the memorandum as altered, shall, within fifteen days from the date of the order, be delivered by the company to the registrar of companies, and he shall register the copy so delivered and shall certify the registration under his hand, and the certificate shall be conclusive evidence that all the requirements of this Act with respect to the alteration and the confirmation thereof have been complied with, and thenceforth the memorandum as so altered shall be the memorandum of the company.

The court may by order at any time extend the time for the delivery of documents to the registrar under this section for such period as the court may think proper.

(7) If a company makes default in delivering to the registrar of companies any document required by this section to be delivered to him, the company shall be liable to a fine not exceeding ten pounds for every day during which the default continues.

Articles of Association.

Articles prescribing regulations for companies.

6. There may in the case of a company limited by shares, and there shall in the case of a company limited by guarantee or unlimited, be registered with the memorandum articles of association signed by the subscribers to the memorandum and prescribing regulations for the company.

PART I. —*cont.*

Regulations required in case of unlimited company or company limited by guarantee.

7.—(1) In the case of an unlimited company the articles, if the company has a share capital, must state the amount of share capital with which the company proposes to be registered.

(2) In the case of an unlimited company or a company limited by guarantee, the articles, if the company has not a share capital, must state the number of members with which the company proposes to be registered.

(3) Where a company not having a share capital has increased the number of its members beyond the registered number, it shall, within fifteen days after the increase was resolved on or took place, give to the registrar of companies notice of the increase, and the registrar shall record the increase.

If default is made in complying with this subsection, the company and every officer of the company who is in default shall be liable to a default fine.

Adoption and application of Table A.

8.—(1) Articles of association may adopt all or any of the regulations contained in Table A.

(2) In the case of a company limited by shares and registered after the commencement of this Act, if articles are not registered, or, if articles are registered, in so far as the articles do not exclude or modify the regulations contained in Table A, those regulations shall, so far as applicable, be the regulations of the company in the same manner and to the same extent as if they were contained in duly registered articles.

Printing, stamp, and signature of articles.

9. Articles must—

(1) be printed;

(2) be divided into paragraphs numbered consecutively;

(3) bear the same stamp as if they were contained in a deed;

(4) be signed by each subscriber of the memorandum of association in the presence of at least one witness who must attest the signature, and that attestation shall be sufficient in Scotland as well as in England.

Alteration of articles by special resolution.

10.—(1) Subject to the provisions of this Act and to the conditions contained in its memorandum, a company may by special resolution alter or add to its articles.

PART I. —*cont.*

(2) Any alteration or addition so made in the articles shall, subject to the provisions of this Act, be as valid as if originally contained therein, and be subject in like manner to alteration by special resolution.

Form of Memorandum and Articles.

Statutory forms of memorandum and articles.

11. The form of—

(1) the memorandum of association of a company limited by shares;

(2) the memorandum and articles of association of a company limited by guarantee and not having a share capital;

(3) the memorandum and articles of association of a company limited by guarantee and having a share capital;

(4) the memorandum and articles of association of an unlimited company having a share capital;

shall be respectively in accordance with the forms set out in Tables B., C., D. and E. in the First Schedule to this Act, or as near thereto as circumstances admit.

Registration.

Registration of memorandum and articles.

12. The memorandum and the articles, if any, shall be delivered to the registrar of companies for England or the registrar of companies for Scotland according as the registered office of the company is stated by the memorandum to be situate in England or Scotland, and the registrar shall retain and register them.

Effect of registration.

13.—(1) On the registration of the memorandum of a company the registrar shall certify under his hand that the company is incorporated and, in the case of a limited company, that the company is limited.

(2) From the date of incorporation mentioned in the certificate of incorporation, the subscribers of the memorandum, together with such other persons as may from time to time become members of the company, shall be a body corporate by the name contained in the memorandum, capable forthwith of exercising all the functions of an incorporated company, and having

PART I. —*cont.*

perpetual succession and a common seal, but with such liability on the part of the members to contribute to the assets of the company in the event of its being wound up as is mentioned in this Act.

Power of company to hold lands.

14.—(1) A company incorporated under this Act shall have power to hold lands, and as regards lands in any part of the United Kingdom without licence in mortmain:

Provided that a company formed for the purpose of promoting art, science, religion, charity or any other like object not involving the acquisition of gain by the company or by its individual members, shall not, without the licence of the Board of Trade, hold more than two acres of land, but the Board may by licence empower any such company to hold lands in such quantity, and subject to such conditions, as the Board think fit.

(2) A licence given by the Board of Trade under this section shall be in accordance with the form set out in the Second Schedule to this Act, or as near thereto as circumstances admit.

Conclusiveness of certificate of incorporation

15.—(1) A certificate of incorporation given by the registrar in respect of any association shall be conclusive evidence that all the requirements of this Act in respect of registration and of matters precedent and incidental thereto have been complied with, and that the association is a company authorised to be registered and duly registered under this Act.

(2) A statutory declaration by a solicitor of the Supreme Court, and in Scotland by an enrolled law agent, engaged in the formation of the company, or by a person named in the articles as a director or secretary of the company, of compliance with all or any of the said requirements shall be produced to the registrar, and the registrar may accept such a declaration as sufficient evidence of compliance.

Registration of unlimited company as limited.

16.—(1) Subject to the provisions of this section, a company registered as unlimited may register under this Act as limited, or a company already registered as a limited company may re-register under this Act, but the registration of an unlimited company as a limited company shall not affect the rights or liabilities of the company in respect of any debt or obligation incurred

PART I. —*cont*

or any contract entered into, by, to, with, or on behalf of the company before the registration, and those rights or liabilities may be enforced in manner provided by Part IX. of this Act in the case of a company registered in pursuance of that Part.

(2) On registration in pursuance of this section the registrar shall close the former registration of the company, and may dispense with the delivery to him of copies of any documents with copies of which he was furnished on the occasion of the original registration of the company, but, save as aforesaid, the registration shall take place in the same manner and shall have effect as if it were the first registration of the company under this Act, and as if the provisions of the Acts under which the company was previously registered and regulated had been contained in different Acts from those under which the company is registered as a limited company.

Provisions with respect to Names of Companies.

Restriction on registration of companies by certain names.

17.—(1) No company shall be registered by a name which—

(*a*) is identical with that by which a company in existence is already registered, or so nearly resembles that name as to be calculated to deceive, except where the company in existence is in the course of being dissolved and signifies its consent in such manner as the registrar requires; or

(*b*) contains the words "Chamber of Commerce," unless the company is a company which is to be registered under a licence granted in pursuance of the next following section of this Act without the addition of the word "Limited" to its name; or

(*c*) contains the words "Building Society."

(2) Except with the consent of the Board of Trade no company shall be registered by a name which—

(*a*) contains the words "Royal" or "Imperial" or in the opinion of the registrar suggests, or is calculated to suggest, the patronage of His

PART I. —*cont.*

Majesty or of any member of the Royal Family or connection with His Majesty's Government or any department thereof; or

(*b*) contains the words "Municipal" or "Chartered" or in the opinion of the registrar suggests, or is calculated to suggest, connection with any municipality or other local authority or with any society or body incorporated by Royal Charter; or

(*c*) contains the word "Co-operative."

Power to dispense with "Limited" in name of charitable and other companies.

18.—(1) Where it is proved to the satisfaction of the Board of Trade that an association about to be formed as a limited company is to be formed for promoting commerce, art, science, religion, charity, or any other useful object, and intends to apply its profits, if any, or other income in promoting its objects, and to prohibit the payment of any dividend to its members, the Board may by licence direct that the association may be registered as a company with limited liability, without the addition of the word "Limited" to its name, and the association may be registered accordingly.

(2) A licence by the Board of Trade under this section may be granted on such conditions and subject to such regulations as the Board think fit, and those conditions and regulations shall be binding on the association, and shall, if the Board so direct, be inserted in the memorandum and articles, or in one of those documents.

(3) The association shall on registration enjoy all the privileges of limited companies, and be subject to all their obligations, except those of using the word "Limited" as any part of its name, and of publishing its name, and of sending lists of members to the registrar of companies.

(4) A licence under this section may at any time be revoked by the Board of Trade, and upon revocation the registrar shall enter the word "Limited" at the end of the name of the association upon the register, and the association shall cease to enjoy the exemptions and privileges granted by this section:

PART I. —*cont.*

Provided that, before a licence is so revoked, the Board shall give to the association notice in writing of their intention, and shall afford the association an opportunity of being heard in opposition to the revocation.

(5) Where the name of the association contains the words "Chamber of Commerce," the notice to be given as aforesaid shall include a statement of the effect of the provisions of subsection (3) of the next following section of this Act.

Change of name.

19.—(1) A company may, by special resolution and with the approval of the Board of Trade signified in writing, change its name.

(2) If a company, through inadvertence or otherwise, is, without such consent as is mentioned in paragraph (*a*) of subsection (1) of section seventeen of this Act, registered by a name which is identical with that by which a company in existence is previously registered, or which so nearly resembles that name as to be calculated to deceive, the first-mentioned company may change its name with the sanction of the registrar.

(3) Where a licence granted in pursuance of the last foregoing section of this Act to a company the name of which contains the words "Chamber of Commerce" is revoked, the company shall, within a period of six weeks from the date of the revocation or such longer period as the Board of Trade may think fit to allow, change its name to a name which does not contain those words.

If a company makes default in complying with the requirements of this subsection, it shall be liable to a fine not exceeding fifty pounds for every day during which the default continues.

(4) Where a company changes its name, the registrar shall enter the new name on the register in place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case.

(5) The change of name shall not affect any rights or obligations of the company, or render defective any legal proceedings by or against the company, and any legal proceedings that might have been continued or commenced against it by its former name may be continued or commenced against it by its new name.

PART I. —*cont.*

General Provisions with respect to Memorandum and Articles.

Effect of memorandum and articles.

20.—(1) Subject to the provisions of this Act, the memorandum and articles shall, when registered, bind the company and the members thereof to the same extent as if they respectively had been signed and sealed by each member, and contained covenants on the part of each member to observe all the provisions of the memorandum and of the articles.

(2) All money payable by any member to the company under the memorandum or articles shall be a debt due from him to the company, and in England be of the nature of a specialty debt.

Provision as to memorandum and articles of companies limited by guarantee.

21.—(1) In the case of a company limited by guarantee and not having a share capital, and registered on or after the first day of January, nineteen hundred and one, every provision in the memorandum or articles or in any resolution of the company purporting to give any person a right to participate in the divisible profits of the company otherwise than as a member shall be void.

(2) For the purpose of the provisions of this Act relating to the memorandum of a company limited by guarantee and of this section, every provision in the memorandum or articles, or in any resolution, of a company limited by guarantee and registered on or after the date aforesaid, purporting to divide the undertaking of the company into shares or interests shall be treated as a provision for a share capital, notwithstanding that the nominal amount or number of the shares or interests is not specified thereby.

Alterations in memorandum or articles increasing liability to contribute to share capital not to bind existing

22. Notwithstanding anything in the memorandum or articles of a company, no member of the company shall be bound by an alteration made in the memorandum or articles after the date on which he became a member, if and so far as the alteration requires him to take or subscribe for more shares than the number held by him at the date on which the alteration is made, or in any way increases his liability as at that date to contribute to the share capital of, or otherwise to pay money to, the company :

Provided that this section shall not apply in any case where the member agrees in writing, either before or after the alteration is made, to be bound thereby.

Part I. —*cont.* members without consent.

Copies of memorandum and articles to be given to members.

23.—(1) A company shall, on being so required by any member, send to him a copy of the memorandum and of the articles, if any, and a copy of any Act of Parliament which alters the memorandum, subject to payment, in the case of a copy of the memorandum and of the articles, of one shilling or such less sum as the company may prescribe, and, in the case of a copy of an Act, of such sum not exceeding the published price thereof as the company may require.

(2) If a company makes default in complying with this section, the company and every officer of the company who is in default shall be liable for each offence to a fine not exceeding one pound.

Issued copies of memorandum to embody alterations.

24.—(1) Where an alteration is made in the memorandum of a company, every copy of the memorandum issued after the date of the alteration shall be in accordance with the alteration.

(2) If, where any such alteration has been made, the company at any time after the date of the alteration issues any copies of the memorandum which are not in accordance with the alteration, it shall be liable to a fine not exceeding one pound for each copy so issued, and every officer of the company who is in default shall be liable to the like penalty.

Membership of Company.

Definition of member.

25.—(1) The subscribers of the memorandum of a company shall be deemed to have agreed to become members of the company, and on its registration shall be entered as members in its register of members.

(2) Every other person who agrees to become a member of a company, and whose name is entered in its register of members, shall be a member of the company.

PART I. —*cont.*

Private Companies.

Meaning of "private company."

26.—(1) For the purposes of this Act, the expression "private company" means a company which by its articles—

(*a*) restricts the right to transfer its shares; and

(*b*) limits the number of its members to fifty, not including persons who are in the employment of the company and persons who, having been formerly in the employment of the company, were while in that employment, and have continued after the determination of that employment to be, members of the company; and

(*c*) prohibits any invitation to the public to subscribe for any shares or debentures of the company.

(2) Where two or more persons hold one or more shares in a company jointly, they shall, for the purposes of this section, be treated as a single member.

Circumstances in which company ceases to be, or to enjoy privileges of, a private company.

27.—(1) If a company, being a private company, alters its articles in such manner that they no longer include the provisions which, under the last foregoing section of this Act, are required to be included in the articles of a company in order to constitute it a private company, the company shall, as on the date of the alteration, cease to be a private company and shall, within a period of fourteen days after the said date, deliver to the registrar of companies for registration a prospectus or a statement in lieu of prospectus in the form and containing the particulars set out in the Third Schedule to this Act.

(2) If default is made in complying with subsection (1) of this section, the company and every officer of the company who is in default shall be liable to a default fine of fifty pounds.

(3) Where the articles of a company include the provisions aforesaid but default is made in complying with any of those provisions, the company shall cease to be entitled to the privileges and exemptions conferred

on private companies under the provisions contained in section twenty-eight, subsection (3) of section one hundred and ten, subsection (1) of section one hundred and thirty and paragraph (4) of section one hundred and sixty-eight of this Act, and thereupon the said provisions shall apply to the company as if it were not a private company : Part I. —*cont.*

Provided that the court, on being satisfied that the failure to comply with the conditions was accidental or due to inadvertence or to some other sufficient cause, or that on other grounds it is just and equitable to grant relief, may, on the application of the company or any other person interested and on such terms and conditions as seem to the court just and expedient, order that the company be relieved from such consequences as aforesaid.

Reduction of Number of Members below Legal Minimum.

Prohibition of carrying on business with fewer than seven or, in the case of a private company, two members.

28. If at any time the number of members of a company is reduced, in the case of a private company, below two, or, in the case of any other company, below seven, and it carries on business for more than six months while the number is so reduced, every person who is a member of the company during the time that it so carries on business after those six months and is cognisant of the fact that it is carrying on business with fewer than two members, or seven members, as the case may be, shall be severally liable for the payment of the whole debts of the company contracted during that time, and may be severally sued therefor.

Contracts, &c.

Form of contracts.

29.—(1) Contracts on behalf of a company may be made as follows :—

(*a*) A contract which if made between private persons would be by law required to be in writing, and if made according to English law to be under seal, may be made on behalf of the company in writing under the common seal of the company :

PART I. —*cont.*

(*b*) A contract which if made between private persons would be by law required to be in writing, signed by the parties to be charged therewith, may be made on behalf of the company in writing signed by any person acting under its authority, express or implied:

(*c*) A contract which if made between private persons would by law be valid although made by parol only, and not reduced into writing, may be made by parol on behalf of the company by any person acting under its authority, express or implied.

(2) A contract made according to this section shall be effectual in law, and shall bind the company and its successors and all other parties thereto.

(3) A contract made according to this section may be varied or discharged in the same manner in which it is authorised by this section to be made.

(4) A deed to which a company is a party shall be held to be validly executed in Scotland on behalf of the company if it is executed in accordance with the provisions of this Act or is sealed with the common seal of the company and subscribed on behalf of the company by two of the directors and the secretary of the company, and such subscription on behalf of the company shall be binding whether attested by witnesses or not.

Bills of exchange and promissory notes.

30. A bill of exchange or promissory note shall be deemed to have been made, accepted, or endorsed on behalf of a company if made, accepted, or endorsed in the name of, or by or on behalf or on account of, the company by any person acting under its authority.

Execution of deeds abroad.

31.—(1) A company may, by writing under its common seal, empower any person, either generally or in respect of any specified matters, as its attorney, to execute deeds on its behalf in any place not situate in the United Kingdom.

(2) A deed signed by such an attorney on behalf of the company and under his seal shall bind the company

and have the same effect as if it were under its common seal. PART I. —*cont.*

Power for company to have official seal for use abroad.

32.—(1) A company whose objects require or comprise the transaction of business in foreign countries may, if authorised by its articles, have for use in any territory, district, or place not situate in the United Kingdom, an official seal, which shall be a facsimile of the common seal of the company, with the addition on its face of the name of every territory, district, or place where it is to be used.

(2) A deed or other document to which an official seal is duly affixed shall bind the company as if it had been sealed with the common seal of the company.

(3) A company having an official seal for use in any such territory, district or place may, by writing under its common seal, authorise any person appointed for the purpose in that territory, district or place, to affix the official seal to any deed or other document to which the company is party in that territory, district or place.

(4) The authority of any such agent shall, as between the company and any person dealing with the agent, continue during the period, if any, mentioned in the instrument conferring the authority, or if no period is there mentioned, then until notice of the revocation or determination of the agent's authority has been given to the person dealing with him.

(5) The person affixing any such official seal shall, by writing under his hand, certify on the deed or other instrument, to which the seal is affixed, the date on which and the place at which it is affixed.

Authentication of Documents.

Authentication of documents.

33. A document or proceeding requiring authentication by a company may be signed by a director, secretary, or other authorised officer of the company, and need not be under its common seal.

PART II.

SHARE CAPITAL AND DEBENTURES.

Prospectus.

Dating and registration of prospectus.

34.—(1) A prospectus issued by or on behalf of a company or in relation to an intended company shall be dated, and that date shall, unless the contrary is proved, be taken as the date of publication of the prospectus.

(2) A copy of every such prospectus, signed by every person who is named therein as a director or proposed director of the company, or by his agent authorised in writing, shall be delivered to the registrar of companies for registration on or before the date of its publication, and no such prospectus shall be issued until a copy thereof has been so delivered for registration.

(3) The registrar shall not register any prospectus unless it is dated, and the copy thereof signed, in manner required by this section.

(4) Every prospectus shall state on the face of it that a copy has been delivered for registration as required by this section.

(5) If a prospectus is issued without a copy thereof being so delivered, the company, and every person who is knowingly a party to the issue of the prospectus, shall be liable to a fine not exceeding five pounds for every day from the date of the issue of the prospectus until a copy thereof is so delivered.

Specific requirements as to particulars in prospectus.

35.—(1) Every prospectus issued by or on behalf of a company, or by or on behalf of any person who is or has been engaged or interested in the formation of the company, must state the matters specified in Part I of the Fourth Schedule to this Act and set out the reports specified in Part II of that Schedule, and the said Parts I and II shall have effect subject to the provisions contained in Part III of the said Schedule.

(2) A condition requiring or binding an applicant for shares in or debentures of a company to waive compliance with any requirement of this section, or purporting to affect him with notice of any contract, document, or matter not specifically referred to in the prospectus, shall be void.

(3) It shall not be lawful to issue any form of application for shares in or debentures of a company unless the form is issued with a prospectus which complies with the requirements of this section :

Provided that this subsection shall not apply if it is shown that the form of application was issued either—

(*a*) in connection with a bonâ fide invitation to a person to enter into an underwriting agreement with respect to the shares or debentures; or

(*b*) in relation to shares or debentures which were not offered to the public.

If any person acts in contravention of the provisions of this subsection, he shall be liable to a fine not exceeding five hundred pounds.

(4) In the event of non-compliance with or contravention of any of the requirements of this section, a director or other person responsible for the prospectus shall not incur any liability by reason of the non-compliance or contravention, if—

(*a*) as regards any matter not disclosed, he proves that he was not cognisant thereof; or

(*b*) he proves that the non-compliance or contravention arose from an honest mistake of fact on his part; or

(*c*) the non-compliance or contravention was in respect of matters which in the opinion of the court dealing with the case were immaterial or was otherwise such as ought, in the opinion of that court, having regard to all the circumstances of the case, reasonably to be excused :

Provided that, in the event of failure to include in a prospectus a statement with respect to the matters specified in paragraph 15 of Part I of the Fourth Schedule to this Act, no director or other person shall incur any liability in respect of the failure unless it be proved that he had knowledge of the matters not disclosed.

(5) This section shall not apply to the issue to existing members or debenture holders of a company of a prospectus or form of application relating to shares

PART II. —*cont.*

in or debentures of the company, whether an applicant for shares or debentures will or will not have the right to renounce in favour of other persons, but subject as aforesaid, this section shall apply to a prospectus or a form of application whether issued on or with reference to the formation of a company or subsequently.

(6) Nothing in this section shall limit or diminish any liability which any person may incur under the general law or this Act apart from this section.

Restriction on alteration of terms mentioned in prospectus or statement in lieu of prospectus.

36.—(1) A company limited by shares or a company limited by guarantee and having a share capital shall not previously to the statutory meeting vary the terms of a contract referred to in the prospectus, or statement in lieu of prospectus, except subject to the approval of the statutory meeting.

(2) This section shall not apply to a private company.

Liability for statements in prospectus.

37.—(1) Where a prospectus invites persons to subscribe for shares in or debentures of a company—

(*a*) every person who is a director of the company at the time of the issue of the prospectus; and

(*b*) every person who has authorised himself to be named and is named in the prospectus as a director or as having agreed to become a director either immediately or after an interval of time; and

(*c*) every person being a promoter of the company; and

(*d*) every person who has authorised the issue of the prospectus,

shall be liable to pay compensation to all persons who subscribe for any shares or debentures on the faith of the prospectus for the loss or damage they may have sustained by reason of any untrue statement therein, or in any report or memorandum appearing on the face thereof, or by reference incorporated therein or issued therewith, unless it is proved—

(i) that having consented to become a director of the company he withdrew his consent before the issue of the prospectus, and that it was issued without his authority or consent; or

(ii) that the prospectus was issued without his knowledge or consent, and that on becoming

aware of its issue he forthwith gave reasonable public notice that it was issued without his knowledge or consent; or

(iii) that after the issue of the prospectus and before allotment thereunder, he, on becoming aware of any untrue statement therein, withdrew his consent thereto, and gave reasonable public notice of the withdrawal, and of the reason therefor; or

(iv) that—

(*a*) as regards every untrue statement not purporting to be made on the authority of an expert or of a public official document or statement, he had reasonable ground to believe, and did up to the time of the allotment of the shares or debentures, as the case may be, believe, that the statement was true; and

(*b*) as regards every untrue statement purporting to be a statement by an expert or contained in what purports to be a copy of or extract from a report or valuation of an expert, it fairly represented the statement, or was a correct and fair copy of or extract from the report or valuation; and

(*c*) as regards every untrue statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, it was a correct and fair representation of the statement or copy of or extract from the document:

Provided that a person shall be liable to pay compensation as aforesaid if it is proved that he had no reasonable ground to believe that the person making any such statement, report or valuation as is mentioned in paragraph (iv) (*b*) of this subsection was competent to make it.

(2) Where the prospectus contains the name of a person as a director of the company, or as having agreed to become a director thereof, and he has not consented to become a director, or has withdrawn his consent before the issue of the prospectus, and has not authorised or

PART II. —*cont.*

consented to the issue thereof, the directors of the company, except any without whose knowledge or consent the prospectus was issued, and any other person who authorised the issue thereof, shall be liable to indemnify the person named as aforesaid against all damages, costs, and expenses to which he may be made liable by reason of his name having been inserted in the prospectus, or in defending himself against any action or legal proceedings brought against him in respect thereof.

(3) Every person who, by reason of his being a director or named as a director or as having agreed to become a director, or of his having authorised the issue of the prospectus, becomes liable to make any payment under this section may recover contribution, as in cases of contract, from any other person who, if sued separately, would have been liable to make the same payment, unless the person who has become so liable was, and that other person was not, guilty of fraudulent misrepresentation.

(4) For the purposes of this section—

The expression "promoter" means a promoter who was a party to the preparation of the prospectus, or of the portion thereof containing the untrue statement, but does not include any person by reason of his acting in a professional capacity for persons engaged in procuring the formation of the company:

The expression "expert" includes engineer, valuer, accountant, and any other person whose profession gives authority to a statement made by him.

Document containing offer of shares or debentures for sale to be deemed prospectus.

38.—(1) Where a company allots or agrees to allot any shares in or debentures of the company with a view to all or any of those shares or debentures being offered for sale to the public, any document by which the offer for sale to the public is made shall for all purposes be deemed to be a prospectus issued by the company, and all enactments and rules of law as to the contents of prospectuses and to liability in respect of statements in and omissions from prospectuses, or otherwise relating to prospectuses, shall apply and have effect accordingly, as if the shares or debentures had been offered to the public for subscription and as if

persons accepting the offer in respect of any shares or debentures were subscribers for those shares or debentures, but without prejudice to the liability, if any, of the persons by whom the offer is made, in respect of mis-statements contained in the document or otherwise in respect thereof.

(2) For the purposes of this Act, it shall, unless the contrary is proved, be evidence that an allotment of, or an agreement to allot, shares or debentures was made with a view to the shares or debentures being offered for sale to the public if it is shown—

(*a*) that an offer of the shares or debentures or of any of them for sale to the public was made within six months after the allotment or agreement to allot; or

(*b*) that at the date when the offer was made the whole consideration to be received by the company in respect of the shares or debentures had not been so received.

(3) Section thirty-four of this Act as applied by this section shall have effect as though the persons making the offer were persons named in a prospectus as directors of a company, and section thirty-five of this Act as applied by this section shall have effect as if it required a prospectus to state in addition to the matters required by that section to be stated in a prospectus—

(*a*) the net amount of the consideration received or to be received by the company in respect of the shares or debentures to which the offer relates; and

(*b*) the place and time at which the contract under which the said shares or debentures have been or are to be allotted may be inspected.

(4) Where a person making an offer to which this section relates is a company or a firm, it shall be sufficient if the document aforesaid is signed on behalf of the company or firm by two directors of the company or not less than half of the partners, as the case may be, and any such director or partner may sign by his agent authorised in writing.

PART II. —*cont.*

Allotment.

Prohibition of allotment unless minimum subscription received.

39.—(1) No allotment shall be made of any share capital of a company offered to the public for subscription unless the amount stated in the prospectus as the minimum amount which, in the opinion of the directors, must be raised by the issue of share capital in order to provide for the matters specified in paragraph 5 in Part I. of the Fourth Schedule to this Act has been subscribed, and the sum payable on application for the amount so stated has been paid to and received by the company.

For the purposes of this subsection, a sum shall be deemed to have been paid to and received by the company if a cheque for that sum has been received in good faith by the company and the directors of the company have no reason for suspecting that the cheque will not be paid.

(2) The amount so stated in the prospectus shall be reckoned exclusively of any amount payable otherwise than in cash and is in this Act referred to as "the minimum subscription."

(3) The amount payable on application on each share shall not be less than five per cent. of the nominal amount of the share.

(4) If the conditions aforesaid have not been complied with on the expiration of forty days after the first issue of the prospectus, all money received from applicants for shares shall be forthwith repaid to them without interest, and, if any such money is not so repaid within forty-eight days after the issue of the prospectus, the directors of the company shall be jointly and severally liable to repay that money with interest at the rate of five per centum per annum from the expiration of the forty-eighth day:

Provided that a director shall not be liable if he proves that the default in the repayment of the money was not due to any misconduct or negligence on his part.

(5) Any condition requiring or binding any applicant for shares to waive compliance with any requirement of this section shall be void.

(6) This section, except subsection (3) thereof, shall not apply to any allotment of shares subsequent to the first allotment of shares offered to the public for subscription.

PART II. —*cont.*

Prohibition of allotment in certain cases unless statement in lieu of prospectus delivered to registrar.

40.—(1) A company having a share capital which does not issue a prospectus on or with reference to its formation, or which has issued such a prospectus but has not proceeded to allot any of the shares offered to the public for subscription, shall not allot any of its shares or debentures unless at least three days before the first allotment of either shares or debentures there has been delivered to the registrar of companies for registration a statement in lieu of prospectus, signed by every person who is named therein as a director or a proposed director of the company or by his agent authorised in writing, in the form and containing the particulars set out in the Fifth Schedule to this Act.

(2) This section shall not apply to a private company.

(3) If a company acts in contravention of this section, the company and every director of the company who knowingly authorises or permits the contravention shall be liable to a fine not exceeding one hundred pounds.

Effect of irregular allotment.

41.—(1) An allotment made by a company to an applicant in contravention of the provisions of the two last foregoing sections of this Act, shall be voidable at the instance of the applicant within one month after the holding of the statutory meeting of the company and not later, or, in any case where the company is not required to hold a statutory meeting, or where the allotment is made after the holding of the statutory meeting, within one month after the date of the allotment, and not later, and shall be so voidable notwithstanding that the company is in course of being wound up.

(2) If any director of a company knowingly contravenes, or permits or authorises the contravention of, any of the provisions of the said sections with respect to allotment, he shall be liable to compensate the company and the allottee respectively for any loss, damages, or costs which the company or the allottee may have sustained or incurred thereby:

Provided that proceedings to recover any such loss, damages, or costs shall not be commenced after the expiration of two years from the date of the allotment.

[PART II. —*cont.*

Return as to allotments.

42.—(1) Whenever a company limited by shares or a company limited by guarantee and having a share capital makes any allotment of its shares, the company shall within one month thereafter deliver to the registrar of companies for registration—

(*a*) a return of the allotments, stating the number and nominal amount of the shares comprised in the allotment, the names, addresses, and descriptions of the allottees, and the amount, if any, paid or due and payable on each share; and

(*b*) in the case of shares allotted as fully or partly paid up otherwise than in cash, a contract in writing constituting the title of the allottee to the allotment together with any contract of sale, or for services or other consideration in respect of which that allotment was made, such contracts being duly stamped, and a return stating the number and nominal amount of shares so allotted, the extent to which they are to be treated as paid up, and the consideration for which they have been allotted.

(2) Where such a contract as above mentioned is not reduced to writing, the company shall within one month after the allotment deliver to the registrar of companies for registration the prescribed particulars of the contract stamped with the same stamp duty as would have been payable if the contract had been reduced to writing, and those particulars shall be deemed to be an instrument within the meaning of the Stamp Act, 1891, and the registrar may, as a condition of filing the particulars, require that the duty payable thereon be adjudicated under section twelve of that Act.

54 & 55 Vict. c. 39.

(3) If default is made in complying with this section, every director, manager, secretary, or other officer of the company, who is knowingly a party to the default, shall be liable to a fine not exceeding fifty pounds for every day during which the default continues:

Provided that, in case of default in delivering to the registrar of companies within one month after the allotment any document required to be delivered by this section, the company, or any person liable for the

default, may apply to the court for relief, and the court, if satisfied that the omission to deliver the document was accidental or due to inadvertence or that it is just and equitable to grant relief, may make an order extending the time for the delivery of the document for such period as the court may think proper.

Commissions and Discounts.

Power to pay certain commissions, and prohibition of payment of all other commissions, discounts, &c.

43.—(1) It shall be lawful for a company to pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares in the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares in the company if—

(*a*) the payment of the commission is authorised by the articles; and

(*b*) the commission paid or agreed to be paid does not exceed ten per cent. of the price at which the shares are issued or the amount or rate authorised by the articles, whichever is the less; and

(*c*) the amount or rate per cent. of the commission paid or agreed to be paid is—

(i) in the case of shares offered to the public for subscription, disclosed in the prospectus; or

(ii) in the case of shares not offered to the public for subscription, disclosed in the statement in lieu of prospectus, or in a statement in the prescribed form signed in like manner as a statement in lieu of prospectus and delivered before the payment of the commission to the registrar of companies for registration, and, where a circular or notice, not being a prospectus, inviting subscription for the shares is issued, also disclosed in that circular or notice; and

(*d*) the number of shares which persons have agreed for a commission to subscribe absolutely is disclosed in manner aforesaid.

(2) Save as aforesaid, no company shall apply any of its shares or capital money either directly or indirectly

PART II. —*cont.*

in payment of any commission, discount, or allowance, to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares of the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares in the company, whether the shares or money be so applied by being added to the purchase money of any property acquired by the company or to the contract price of any work to be executed for the company, or the money be paid out of the nominal purchase money or contract price, or otherwise.

(3) Nothing in this section shall affect the power of any company to pay such brokerage as it has heretofore been lawful for a company to pay.

(4) A vendor to, promoter of, or other person who receives payment in money or shares from, a company shall have and shall be deemed always to have had power to apply any part of the money or shares so received in payment of any commission, the payment of which, if made directly by the company, would have been legal under this section.

(5) If default is made in complying with the provisions of this section relating to the delivery to the registrar of the statement in the prescribed form, the company and every officer of the company who is in default shall be liable to a fine not exceeding twenty-five pounds.

Statement in balance sheet as to commissions and discounts.

44.—(1) Where a company has paid any sums by way of commission in respect of any shares or debentures, or allowed any sums by way of discount in respect of any debentures, the total amount so paid or allowed, or so much thereof as has not been written off, shall be stated in every balance sheet of the company until the whole amount thereof has been written off.

(2) If default is made in complying with this section, the company and every officer of the company who is in default shall be liable to a default fine.

Prohibition of provision of financial assistance

45.—(1) Subject as provided in this section, it shall not be lawful for a company to give, whether directly or indirectly, and whether by means of a loan, guarantee, the provision of security or otherwise, any financial

assistance for the purpose of or in connection with a purchase made or to be made by any person of any shares in the company:

PART II. —*cont.* by company for purchase of its own shares.

Provided that nothing in this section shall be taken to prohibit—

(*a*) where the lending of money is part of the ordinary business of a company, the lending of money by the company in the ordinary course of its business;

(*b*) the provision by a company, in accordance with any scheme for the time being in force, of money for the purchase by trustees of fully-paid shares in the company to be held by or for the benefit of employees of the company, including any director holding a salaried employment or office in the company;

(*c*) the making by a company of loans to persons, other than directors, bonâ fide in the employment of the company with a view to enabling those persons to purchase fully-paid shares in the company to be held by themselves by way of beneficial ownership.

(2) The aggregate amount of any outstanding loans made under the authority of provisos (*b*) and (*c*) to subsection (1) of this section shall be shown as a separate item in every balance sheet of the company.

(3) If a company acts in contravention of this section, the company and every officer of the company who is in default shall be liable to a fine not exceeding one hundred pounds.

Issue of Redeemable Preference Shares and Shares at Discount.

Power to issue redeemable preference shares.

46.—(1) Subject to the provisions of this section, a company limited by shares may, if so authorised by its articles, issue preference shares which are, or at the option of the company are to be liable, to be redeemed:

Provided that—

(*a*) no such shares shall be redeemed except out of profits of the company which would otherwise be available for dividend or out of the

PART II. —*cont.*

proceeds of a fresh issue of shares made for the purposes of the redemption;

(*b*) no such shares shall be redeemed unless they are fully paid;

(*c*) where any such shares are redeemed otherwise than out of the proceeds of a fresh issue, there shall out of profits which would otherwise have been available for dividend be transferred to a reserve fund, to be called "the capital redemption reserve fund," a sum equal to the amount applied in redeeming the shares, and the provisions of this Act relating to the reduction of the share capital of a company shall, except as provided in this section, apply as if the capital redemption reserve fund were paid-up share capital of the company;

(*d*) where any such shares are redeemed out of the proceeds of a fresh issue, the premium, if any, payable on redemption, must have been provided for out of the profits of the company before the shares are redeemed.

(2) There shall be included in every balance sheet of a company which has issued redeemable preference shares a statement specifying what part of the issued capital of the company consists of such shares and the date on or before which those shares are, or are to be liable, to be redeemed.

If a company fails to comply with the provisions of this subsection, the company and every officer of the company who is in default shall be liable to a fine not exceeding one hundred pounds.

(3) Subject to the provisions of this section, the redemption of preference shares thereunder may be effected on such terms and in such manner as may be provided by the articles of the company.

(4) Where in pursuance of this section a company has redeemed or is about to redeem any preference shares, it shall have power to issue shares up to the

nominal amount of the shares redeemed or to be redeemed as if those shares had never been issued, and accordingly the share capital of the company shall not for the purposes of any enactments relating to stamp duty be deemed to be increased by the issue of shares in pursuance of this subsection:

Provided that, where new shares are issued before the redemption of the old shares, the new shares shall not, so far as relates to stamp duty, be deemed to have been issued in pursuance of this subsection unless the old shares are redeemed within one month after the issue of the new shares.

(5) Where new shares have been issued in pursuance of the last foregoing subsection, the capital redemption reserve fund may, notwithstanding anything in this section, be applied by the company, up to an amount equal to the nominal amount of the shares so issued, in paying up unissued shares of the company to be issued to members of the company as fully paid bonus shares.

Power to issue shares at a discount.

47.—(1) Subject as provided in this section, it shall be lawful for a company to issue at a discount shares in the company of a class already issued:

Provided that—

(*a*) the issue of the shares at a discount must be authorised by resolution passed in general meeting of the company, and must be sanctioned by the court;

(*b*) the resolution must specify the maximum rate of discount at which the shares are to be issued;

(*c*) not less than one year must at the date of the issue have elapsed since the date on which the company was entitled to commence business;

(*d*) the shares to be issued at a discount must be issued within one month after the date on which the issue is sanctioned by the court or within such extended time as the court may allow.

PART II. —*cont.*

(2) Where a company has passed a resolution authorising the issue of shares at a discount, it may apply to the court for an order sanctioning the issue, and on any such application the court, if, having regard to all the circumstances of the case, it thinks proper so to do, may make an order sanctioning the issue on such terms and conditions as it thinks fit.

(3) Every prospectus relating to the issue of the shares and every balance sheet issued by the company subsequently to the issue of the shares must contain particulars of the discount allowed on the issue of the shares or of so much of that discount as has not been written off at the date of the issue of the document in question.

If default is made in complying with this subsection, the company and every officer of the company who is in default shall be liable to a default fine.

Miscellaneous Provisions as to Share Capital.

Power of company to arrange for different amounts being paid on shares.

48. A company, if so authorised by its articles, may do any one or more of the following things—

(1) Make arrangements on the issue of shares for a difference between the shareholders in the amounts and times of payment of calls on their shares:

(2) Accept from any member the whole or a part of the amount remaining unpaid on any shares held by him, although no part of that amount has been called up:

(3) Pay dividend in proportion to the amount paid up on each share where a larger amount is paid up on some shares than on others.

Reserve liability of limited company.

49. A limited company may by special resolution determine that any portion of its share capital which has not been already called up shall not be capable of being called up, except in the event and for the purposes of the company being wound up, and thereupon that portion of its share capital shall not be capable of being called up except in the event and for the purposes aforesaid.

Part II. —*cont.*

Power of company limited by shares to alter its share capital.

50.—(1) A company limited by shares or a company limited by guarantee and having a share capital, if so authorised by its articles, may alter the conditions of its memorandum as follows, that is to say, it may—

(*a*) increase its share capital by new shares of such amount as it thinks expedient;

(*b*) consolidate and divide all or any of its share capital into shares of larger amount than its existing shares;

(*c*) convert all or any of its paid-up shares into stock, and reconvert that stock into paid-up shares of any denomination;

(*d*) subdivide its shares, or any of them, into shares of smaller amount than is fixed by the memorandum, so, however, that in the subdivision the proportion between the amount paid and the amount, if any, unpaid on each reduced share shall be the same as it was in the case of the share from which the reduced share is derived;

(*e*) cancel shares which, at the date of the passing of the resolution in that behalf, have not been taken or agreed to be taken by any person, and diminish the amount of its share capital by the amount of the shares so cancelled.

(2) The powers conferred by this section must be exercised by the company in general meeting.

(3) A cancellation of shares in pursuance of this section shall not be deemed to be a reduction of share capital within the meaning of this Act.

Notice to registrar of consolidation of share capital, conversion of shares into stock, &c.

51.—(1) If a company having a share capital has—

(*a*) consolidated and divided its share capital into shares of larger amount than its existing shares; or

(*b*) converted any shares into stock; or

(*c*) re-converted stock into shares; or

(*d*) subdivided its shares or any of them; or

(*e*) redeemed any redeemable preference shares; or

PART II. —*cont.*

(*f*) cancelled any shares, otherwise than in connection with a reduction of share capital under section fifty-five of this Act,

it shall within one month after so doing give notice thereof to the registrar of companies specifying, as the case may be, the shares consolidated, divided, converted, subdivided, redeemed or cancelled, or the stock re-converted.

(2) If default is made in complying with this section, the company and every officer of the company who is in default shall be liable to a default fine.

Notice of increase of share capital.

52.—(1) Where a company having a share capital, whether its shares have or have not been converted into stock, has increased its share capital beyond the registered capital, it shall within fifteen days after the passing of the resolution authorising the increase, give to the registrar of companies notice of the increase, and the registrar shall record the increase.

(2) The notice to be given as aforesaid shall include such particulars as may be prescribed with respect to the classes of shares affected and the conditions subject to which the new shares have been or are to be issued, and there shall be forwarded to the registrar of companies together with the notice a printed copy of the resolution authorising the increase.

(3) If default is made in complying with this section, the company and every officer of the company who is in default shall be liable to a default fine.

Power of unlimited company to provide for reserve share capital on re-registration.

53. An unlimited company having a share capital may, by its resolution for registration as a limited company in pursuance of this Act, do either or both of the following things, namely :—

(1) Increase the nominal amount of its share capital by increasing the nominal amount of each of its shares, but subject to the condition that no part of the increased capital shall be capable of being called up except in the event and for the purposes of the company being wound up;

(2) Provide that a specified portion of its uncalled share capital shall not be capable of being called up except in the event and for the purposes of the company being wound up.

PART II. —*cont.*

Power of company to pay interest out of capital in certain cases.

54.—(1) Where any shares of a company are issued for the purpose of raising money to defray the expenses of the construction of any works or buildings or the provision of any plant which cannot be made profitable for a lengthened period, the company may pay interest on so much of that share capital as is for the time being paid up for the period and subject to the conditions and restrictions in this section mentioned, and may charge the sum so paid by way of interest to capital as part of the cost of construction of the work or building, or the provision of plant:

Provided that—

(*a*) No such payment shall be made unless it is authorised by the articles or by special resolution:

(*b*) No such payment, whether authorised by the articles or by special resolution, shall be made without the previous sanction of the Board of Trade:

(*c*) Before sanctioning any such payment the Board of Trade may, at the expense of the company, appoint a person to inquire and report to them as to the circumstances of the case, and may, before making the appointment, require the company to give security for the payment of the costs of the inquiry:

(*d*) The payment shall be made only for such period as may be determined by the Board of Trade, and that period shall in no case extend beyond the close of the half year next after the half year during which the works or buildings have been actually completed or the plant provided:

(*e*) The rate of interest shall in no case exceed four per cent. per annum or such other rate as may for the time being be prescribed by Order in Council:

(*f*) The payment of the interest shall not operate as a reduction of the amount paid up on the shares in respect of which it is paid:

(*g*) The accounts of the company shall show the share capital on which, and the rate at which, interest has been paid out of capital during the period to which the accounts relate:

PART II. —*cont.*
57 & 58 Vict. c. 12.

(*h*) Nothing in this section shall affect any company to which the Indian Railways Act, 1894, as amended by any subsequent enactment, applies.

(2) If default is made in complying with proviso (*g*) to subsection (1) of this section, the company and every officer of the company who is in default shall be liable to a fine not exceeding fifty pounds.

Reduction of Share Capital.

Special resolution for reduction of share capital.

55.—(1) Subject to confirmation by the court, a company limited by shares or a company limited by guarantee and having a share capital may, if so authorised by its articles, by special resolution reduce its share capital in any way, and in particular, without prejudice to the generality of the foregoing power, may—

(*a*) extinguish or reduce the liability on any of its shares in respect of share capital not paid up; or

(*b*) either with or without extinguishing or reducing liability on any of its shares, cancel any paid-up share capital which is lost or unrepresented by available assets; or

(*c*) either with or without extinguishing or reducing liability on any of its shares, pay off any paid-up share capital which is in excess of the wants of the company,

and may, if and so far as is necessary, alter its memorandum by reducing the amount of its share capital and of its shares accordingly.

(2) A special resolution under this section is in this Act referred to as "a resolution for reducing share capital."

Application to court for confirming order, objections by creditors, and settlement of list of objecting creditors.

56.—(1) Where a company has passed a resolution for reducing share capital, it may apply by petition to the court for an order confirming the reduction.

(2) Where the proposed reduction of share capital involves either diminution of liability in respect of unpaid share capital or the payment to any shareholder of any paid-up share capital, and in any other case if the

court so directs, the following provisions shall have effect, subject nevertheless to the next following subsection :— PART II. —*cont.*

(*a*) Every creditor of the company who at the date fixed by the court is entitled to any debt or claim which, if that date were the commencement of the winding up of the company, would be admissible in proof against the company, shall be entitled to object to the reduction :

(*b*) The court shall settle a list of creditors so entitled to object, and for that purpose shall ascertain, as far as possible without requiring an application from any creditor, the names of those creditors and the nature and amount of their debts or claims, and may publish notices fixing a day or days within which creditors not entered on the list are to claim to be so entered or are to be excluded from the right of objecting to the reduction :

(*c*) Where a creditor entered on the list whose debt or claim is not discharged or has not determined does not consent to the reduction, the court may, if it thinks fit, dispense with the consent of that creditor, on the company securing payment of his debt or claim by appropriating, as the court may direct, the following amount :—

(i) If the company admits the full amount of the debt or claim, or, though not admitting it, is willing to provide for it, then the full amount of the debt or claim;

(ii) If the company does not admit and is not willing to provide for the full amount of the debt or claim, or if the amount is contingent or not ascertained, then an amount fixed by the court after the like inquiry and adjudication as if the company were being wound up by the court.

(3) Where a proposed reduction of share capital involves either the diminution of any liability in respect of unpaid share capital or the payment to any shareholder of any paid-up share capital, the court may, if having regard to any special circumstances of the case it thinks proper so to do, direct that subsection (2) of this section shall not apply as regards any class or any classes of creditors.

PART II. —*cont.*

Order confirming reduction and powers of court on making such order.

57.—(1) The court, if satisfied, with respect to every creditor of the company who under the last foregoing section is entitled to object to the reduction, that either his consent to the reduction has been obtained or his debt or claim has been discharged or has determined, or has been secured, may make an order confirming the reduction on such terms and conditions as it thinks fit.

(2) Where the court makes any such order, it may—

(*a*) if for any special reason it thinks proper so to do, make an order directing that the company shall, during such period, commencing on or at any time after the date of the order, as is specified in the order, add to its name as the last words thereof the words "and reduced"; and

(*b*) make an order requiring the company to publish as the court directs the reasons for reduction or such other information in regard thereto as the court may think expedient with a view to giving proper information to the public, and, if the court thinks fit, the causes which led to the reduction.

(3) Where a company is ordered to add to its name the words "and reduced," those words shall, until the expiration of the period specified in the order, be deemed to be part of the name of the company.

Registration of order and minute of reduction.

58.—(1) The registrar of companies, on production to him of an order of the court confirming the reduction of the share capital of a company, and the delivery to him of a copy of the order and of a minute approved by the court, showing with respect to the share capital of the company, as altered by the order, the amount of the share capital, the number of shares into which it is to be divided, and the amount of each share, and the amount, if any, at the date of the registration deemed to be paid up on each share, shall register the order and minute.

(2) On the registration of the order and minute, and not before, the resolution for reducing share capital as confirmed by the order so registered shall take effect.

(3) Notice of the registration shall be published in such manner as the court may direct.

PART II. —*cont.*

(4) The registrar shall certify under his hand the registration of the order and minute, and his certificate shall be conclusive evidence that all the requirements of this Act with respect to reduction of share capital have been complied with, and that the share capital of the company is such as is stated in the minute.

(5) The minute when registered shall be deemed to be substituted for the corresponding part of the memorandum, and shall be valid and alterable as if it had been originally contained therein.

(6) The substitution of any such minute as aforesaid for part of the memorandum of the company shall be deemed to be an alteration of the memorandum within the meaning of section twenty-four of this Act.

Liability of members in respect of reduced shares.

59.—(1) In the case of a reduction of share capital, a member of the company, past or present, shall not be liable in respect of any share to any call or contribution exceeding in amount the difference, if any, between the amount of the share as fixed by the minute and the amount paid, or the reduced amount, if any, which is to be deemed to have been paid, on the share, as the case may be:

Provided that, if any creditor, entitled in respect of any debt or claim to object to the reduction of share capital, is, by reason of his ignorance of the proceedings for reduction, or of their nature and effect with respect to his claim, not entered on the list of creditors, and, after the reduction, the company is unable, within the meaning of the provisions of this Act with respect to winding up by the court, to pay the amount of his debt or claim, then—

(*a*) every person who was a member of the company at the date of the registration of the order for reduction and minute, shall be liable to contribute for the payment of that debt or claim an amount not exceeding the amount which he would have been liable to contribute if the company had commenced to be wound up on the day before the said date; and

(*b*) if the company is wound up, the court, on the application of any such creditor and proof of his ignorance as aforesaid, may, if it thinks fit,

PART II. —*cont.*

settle accordingly a list of persons so liable to contribute, and make and enforce calls and orders on the contributories settled on the list, as if they were ordinary contributories in a winding up.

(2) Nothing in this section shall affect the rights of the contributories among themselves.

Penalty on concealment of name of creditor.

60. If any director, manager, secretary or other officer of the company—

(1) wilfully conceals the name of any creditor entitled to object to the reduction; or

(2) wilfully misrepresents the nature or amount of the debt or claim of any creditor; or

(3) aids, abets or is privy to any such concealment or misrepresentation as aforesaid,

he shall be guilty of a misdemeanour.

Variation of Shareholders' Rights.

Rights of holders of special classes of shares.

61.—(1) If in the case of a company, the share capital of which is divided into different classes of shares, provision is made by the memorandum or articles for authorising the variation of the rights attached to any class of shares in the company, subject to the consent of any specified proportion of the holders of the issued shares of that class or the sanction of a resolution passed at a separate meeting of the holders of those shares, and in pursuance of the said provision the rights attached to any such class of shares are at any time varied, the holders of not less in the aggregate than fifteen per cent. of the issued shares of that class, being persons who did not consent to or vote in favour of the resolution for the variation may apply to the court to have the variation cancelled, and, where any such application is made, the variation shall not have effect unless and until it is confirmed by the court.

(2) An application under this section must be made within seven days after the date on which the consent was given or the resolution was passed, as the case may be, and may be made on behalf of the shareholders entitled to make the application by such one or more of their number as they may appoint in writing for the purpose.

PART II. —*cont.*

(3) On any such application the court, after hearing the applicant and any other persons who apply to the court to be heard and appear to the court to be interested in the application, may, if it is satisfied, having regard to all the circumstances of the case, that the variation would unfairly prejudice the shareholders of the class represented by the applicant, disallow the variation and shall, if not so satisfied, confirm the variation.

(4) The decision of the court on any such application shall be final.

(5) The company shall within fifteen days after the making of an order by the court on any such application forward a copy of the order to the registrar of companies, and, if default is made in complying with this provision, the company and every officer of the company who is in default shall be liable to a default fine.

(6) The expression "variation" in this section includes abrogation and the expression "varied" shall be construed accordingly.

Transfer of Shares and Debentures, Evidence of Title, &c.

Nature of shares.

62.—(1) The shares or other interest of any member in a company shall be personal estate, transferable in manner provided by the articles of the company, and shall not be of the nature of real estate.

(2) Each share in a company having a share capital shall be distinguished by its appropriate number.

Transfer not to be registered except on production of instrument of transfer.

63. Notwithstanding anything in the articles of a company, it shall not be lawful for the company to register a transfer of shares in or debentures of the company unless a proper instrument of transfer has been delivered to the company:

Provided that nothing in this section shall prejudice any power of the company to register as shareholder or debenture holder any person to whom the right to any shares in or debentures of the company has been transmitted by operation of law.

Transfer by personal representative.

64. A transfer of the share or other interest of a deceased member of a company made by his personal representative shall, although the personal representative is not himself a member of the company, be as valid

PART II. —*cont.*

as if he had been such a member at the time of the execution of the instrument of transfer.

Registration of transfer at request of transferor.

65. On the application of the transferor of any share or interest in a company, the company shall enter in its register of members the name of the transferee in the same manner and subject to the same conditions as if the application for the entry were made by the transferee.

Notice of refusal to register transfer.

66.—(1) If a company refuses to register a transfer of any shares or debentures, the company shall, within two months after the date on which the transfer was lodged with the company, send to the transferee notice of the refusal.

(2) If default is made in complying with this section, the company and every director, manager, secretary or other officer of the company who is knowingly a party to the default shall be liable to a fine not exceeding five pounds for every day during which the default continues.

Duties of company with respect to issue of certificates.

67.—(1) Every company shall, within two months after the allotment of any of its shares, debentures, or debenture stock, and within two months after the date on which a transfer of any such shares, debentures, or debenture stock, is lodged with the company, complete and have ready for delivery the certificates of all shares, the debentures, and the certificates of all debenture stock allotted or transferred, unless the conditions of issue of the shares, debentures, or debenture stock otherwise provide.

The expression "transfer" for the purpose of this subsection means a transfer duly stamped and otherwise valid, and does not include such a transfer as the company is for any reason entitled to refuse to register and does not register.

(2) If default is made in complying with this section, the company and every director, manager, secretary or other officer of the company who is knowingly a party to the default shall be liable to a fine not exceeding five pounds for every day during which the default continues.

(3) If any company on whom a notice has been served requiring the company to make good any default in complying with the provisions of subsection (1) of this section fails to make good the default within ten days

after the service of the notice, the court may, on the application of the person entitled to have the certificates or the debentures delivered to him, make an order directing the company and any officer of the company to make good the default within such time as may be specified in the order, and any such order may provide that all costs of and incidental to the application shall be borne by the company or by any officer of the company responsible for the default.

Certificate to be evidence of title.

68. A certificate, under the common seal of the company, specifying any shares held by any member, shall be primâ facie evidence of the title of the member to the shares.

Evidence of grant of probate.

69. The production to a company of any document which is by law sufficient evidence of probate of the will, or letters of administration of the estate, or confirmation as executor, of a deceased person having been granted to some person shall be accepted by the company, notwithstanding anything in its articles, as sufficient evidence of the grant.

Issue and effect of share warrants to bearer.

70.—(1) A company limited by shares, if so authorised by its articles, may, with respect to any fully paid-up shares, issue under its common seal a warrant stating that the bearer of the warrant is entitled to the shares therein specified, and may provide, by coupons or otherwise, for the payment of the future dividends on the shares included in the warrant.

(2) Such a warrant as aforesaid is in this Act termed a "share warrant."

(3) A share warrant shall entitle the bearer thereof to the shares therein specified, and the shares may be transferred by delivery of the warrant.

Penalty for personation of shareholder.

71. If any person falsely and deceitfully personates any owner of any share or interest in any company, or of any share warrant or coupon, issued in pursuance of this Act, and thereby obtains or endeavours to obtain any such share or interest or share warrant or coupon, or receives or endeavours to receive any money due to any such owner, as if the offender were the true and lawful owner, he shall be guilty of felony, and shall on conviction thereof be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than three years.

PART II. —*cont.* Offences in connection with share warrants in Scotland.

72.—(1) If in Scotland any person—

(*a*) with intent to defraud, forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any share warrant or coupon, or any document purporting to be a share warrant or coupon, issued in pursuance of this Act; or

(*b*) by means of any such forged or altered share warrant, coupon, or document, purporting as aforesaid, demands or endeavours to obtain or receive any share or interest in any company under this Act, or to receive any dividend or money payable in respect thereof, knowing the warrant, coupon, or document to be forged or altered;

he shall be guilty of felony and shall on conviction thereof be liable at the discretion of the court to be kept in penal servitude for life or for any term not less than three years.

(2) If in Scotland any person without lawful authority or excuse, proof whereof shall lie on him—

(*a*) engraves or makes on any plate, wood, stone, or other material any share warrant or coupon purporting to be—

(i) a share warrant or coupon issued or made by any particular company in pursuance of this Act; or

(ii) a blank share warrant or coupon so issued or made; or

(iii) a part of such a share warrant or coupon; or

(*b*) uses any such plate, wood, stone, or other material for the making or printing of any such share warrant or coupon, or of any such blank share warrant or coupon, or any part thereof respectively; or

(*c*) knowingly has in his custody or possession any such plate, wood, stone, or other material;

he shall be guilty of felony, and shall on conviction thereof be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years.

Special Provisions as to Debentures.

PART II. —*cont.*

Right of debenture holders and shareholders to inspect register of debenture holders and to have copies of trust deed.

73.—(1) Every register of holders of debentures of a company shall, except when duly closed, be open to the inspection of the registered holder of any such debentures, and of any holder of shares in the company, but subject to such reasonable restrictions as the company may in general meeting impose, so that not less than two hours in each day shall be allowed for inspection.

For the purposes of this subsection, a register shall be deemed to be duly closed if closed in accordance with provisions contained in the articles or in the debentures or, in the case of debenture stock, in the stock certificates, or in the trust deed or other document securing the debentures or debenture stock, during such period or periods, not exceeding in the whole thirty days in any year, as may be therein specified.

(2) Every registered holder of debentures and every holder of shares in a company may require a copy of the register of the holders of debentures of the company or any part thereof on payment of sixpence for every hundred words required to be copied.

(3) A copy of any trust deed for securing any issue of debentures shall be forwarded to every holder of any such debentures at his request on payment in the case of a printed trust deed of the sum of one shilling or such less sum as may be prescribed by the company, or, where the trust deed has not been printed, on payment of sixpence for every hundred words required to be copied.

(4) If inspection is refused, or a copy is refused or not forwarded, the company and every officer of the company who is in default shall be liable to a fine not exceeding five pounds, and further shall be liable to a default fine of two pounds.

(5) Where a company is in default as aforesaid, the court may by order compel an immediate inspection of the register or direct that the copies required shall be sent to the person requiring them.

Perpetual debentures.

74. A condition contained in any debentures or in any deed for securing any debentures, whether issued or executed before or after the commencement of this Act, shall not be invalid by reason only that the debentures

PART II. —*cont.*

are thereby made irredeemable or redeemable only on the happening of a contingency, however remote, or on the expiration of a period, however long, any rule of equity to the contrary notwithstanding.

Power to re-issue redeemed debentures in certain cases.

75.—(1) Where either before or after the commencement of this Act a company has redeemed any debentures previously issued, then—

(*a*) unless any provision to the contrary, whether express or implied, is contained in the articles or in any contract entered into by the company; or

(*b*) unless the company has, by passing a resolution to that effect or by some other act, manifested its intention that the debentures shall be cancelled,

the company shall have, and shall be deemed always to have had, power to re-issue the debentures, either by re-issuing the same debentures or by issuing other debentures in their place.

(2) On a re-issue of redeemed debentures the person entitled to the debentures shall have, and shall be deemed always to have had, the same priorities as if the debentures had never been redeemed.

(3) Where a company has power to re-issue debentures which have been redeemed, particulars with respect to the debentures which can be so re-issued shall be included in every balance sheet of the company.

(4) Where a company has either before or after the passing of this Act deposited any of its debentures to secure advances from time to time on current account or otherwise, the debentures shall not be deemed to have been redeemed by reason only of the account of the company having ceased to be in debit whilst the debentures remained so deposited.

(5) The re-issue of a debenture or the issue of another debenture in its place under the power by this section given to, or deemed to have been possessed by, a company, whether the re-issue or issue was made before or after the passing of this Act, shall be treated as the issue of a new debenture for the purposes of stamp duty, but it shall not be so treated for the purposes of any provision limiting the amount or number of debentures to be issued:

PART II. —*cont.*

Provided that any person lending money on the security of a debenture re-issued under this section which appears to be duly stamped may give the debenture in evidence in any proceedings for enforcing his security without payment of the stamp duty or any penalty in respect thereof, unless he had notice or, but for his negligence, might have discovered, that the debenture was not duly stamped, but in any such case the company shall be liable to pay the proper stamp duty and penalty.

(6) Where any debentures which have been redeemed before the date of the commencement of this Act are re-issued subsequently to that date, the re-issue of the debentures shall not prejudice any right or priority which any person would have had under or by virtue of any mortgage or charge created before the date of the commencement of this Act, if section one hundred and four of the Companies (Consolidation) Act, 1908, as originally enacted, had been enacted in this Act instead of this section. 8 Edw. 7. c. 69.

Specific performance of contracts to subscribe for debentures.

76. A contract with a company to take up and pay for any debentures of the company may be enforced by an order for specific performance.

Validity of debentures to bearer in Scotland.

77. It is hereby declared that, notwithstanding anything contained in the statute of the Scots Parliament of 1696, chapter twenty-five, debentures to bearer issued in Scotland are valid and binding according to their terms.

Payment of certain debts out of assets subject to floating charge in priority to claims under the charge.

78.—(1) Where, in the case of a company registered in England, either a receiver is appointed on behalf of the holders of any debentures of the company secured by a floating charge, or possession is taken by or on behalf of those debenture holders of any property comprised in or subject to the charge, then, if the company is not at the time in course of being wound up, the debts which in every winding-up are under the provisions of Part V of this Act relating to preferential payments to be paid in priority to all other debts, shall be paid out of any assets coming to the hands of the receiver or other person taking possession as aforesaid in priority to any claim for principal or interest in respect of the debentures.

(2) The periods of time mentioned in the said provisions of Part V of this Act shall be reckoned from the

PART II. —*cont.*

date of the appointment of the receiver or of possession being taken as aforesaid, as the case may be.

(3) Any payments made under this section shall be recouped as far as may be out of the assets of the company available for payment of general creditors.

PART III.

REGISTRATION OF CHARGES.

Registration of Charges with Registrar of Companies.

Registration of charges created by companies registered in England.

79.—(1) Subject to the provisions of this Part of this Act, every charge created after the fixed date by a company registered in England and being a charge to which this section applies shall, so far as any security on the company's property or undertaking is conferred thereby, be void against the liquidator and any creditor of the company, unless the prescribed particulars of the charge, together with the instrument, if any, by which the charge is created or evidenced, are delivered to or received by the registrar of companies for registration in manner required by this Act within twenty-one days after the date of its creation, but without prejudice to any contract or obligation for repayment of the money thereby secured, and when a charge becomes void under this section the money secured thereby shall immediately become payable.

(2) This section applies to the following charges:—

(*a*) a charge for the purpose of securing any issue of debentures;

(*b*) a charge on uncalled share capital of the company;

(*c*) a charge created or evidenced by an instrument which, if executed by an individual, would require registration as a bill of sale;

(*d*) a charge on land, wherever situate, or any interest therein;

(*e*) a charge on book debts of the company;

PART III. —*cont.*

(*f*) a floating charge on the undertaking or property of the company;

(*g*) a charge on calls made but not paid;

(*h*) a charge on a ship or any share in a ship;

(*i*) a charge on goodwill, on a patent or a licence under a patent, on a trademark or on a copyright or a licence under a copyright.

(3) In the case of a charge created out of the United Kingdom comprising solely property situate outside the United Kingdom, the delivery to and the receipt by the registrar of a copy verified in the prescribed manner of the instrument by which the charge is created or evidenced, shall have the same effect for the purposes of this section as the delivery and receipt of the instrument itself, and twenty-one days after the date on which the instrument or copy could, in due course of post, and if despatched with due diligence, have been received in the United Kingdom, shall be substituted for twenty-one days after the date of the creation of the charge, as the time within which the particulars and instrument or copy are to be delivered to the registrar.

(4) Where a charge is created in the United Kingdom but comprises property outside the United Kingdom, the instrument creating or purporting to create the charge may be sent for registration under this section notwithstanding that further proceedings may be necessary to make the charge valid or effectual according to the law of the country in which the property is situate.

(5) Where a charge comprises property situate in Scotland or Northern Ireland and registration in the country where the property is situate is necessary to make the charge valid or effectual according to the law of that country, the delivery to and the receipt by the registrar of a copy verified in the prescribed manner of the instrument by which the charge is created or evidenced, together with a certificate in the prescribed form stating that the charge was presented for registration in Scotland or Northern Ireland, as the case may be, on the date on which it was so presented shall, for the purposes of this section, have the same effect as the delivery and receipt of the instrument itself.

PART III. —*cont.*

(6) Where a negotiable instrument has been given to secure the payment of any book debts of a company the deposit of the instrument for the purpose of securing an advance to the company shall not for the purposes of this section be treated as a charge on those book debts.

(7) The holding of debentures entitling the holder to a charge on land shall not for the purposes of this section be deemed to be an interest in land.

(8) Where a series of debentures containing, or giving by reference to any other instrument, any charge to the benefit of which the debenture holders of that series are entitled pari passu is created by a company, it shall for the purposes of this section be sufficient if there are delivered to or received by the registrar within twenty-one days after the execution of the deed containing the charge or, if there is no such deed, after the execution of any debentures of the series, the following particulars:—

(*a*) the total amount secured by the whole series; and

(*b*) the dates of the resolutions authorising the issue of the series and the date of the covering deed, if any, by which the security is created or defined; and

(*c*) a general description of the property charged; and

(*d*) the names of the trustees, if any, for the debenture holders;

together with the deed containing the charge, or, if there is no such deed, one of the debentures of the series:

Provided that, where more than one issue is made of debentures in the series, there shall be sent to the registrar for entry in the register particulars of the date and amount of each issue, but an omission to do this shall not affect the validity of the debentures issued.

(9) Where any commission, allowance, or discount has been paid or made either directly or indirectly by

Part III. —*cont.*

a company to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any debentures of the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any such debentures, the particulars required to be sent for registration under this section shall include particulars as to the amount or rate per cent. of the commission, discount, or allowance so paid or made, but omission to do this shall not affect the validity of the debentures issued:

Provided that the deposit of any debentures as security for any debt of the company shall not for the purposes of this subsection be treated as the issue of the debentures at a discount.

(10) In this Part of this Act—

(*a*) the expression "charge" includes mortgage;

(*b*) the expression "the fixed date" means in relation to the charges specified in paragraphs (*a*) to (*f*), both inclusive, of subsection (2) of this section, the first day of July, nineteen hundred and eight, and in relation to the charges specified in paragraphs (*g*) to (*i*), both inclusive, of the said subsection, the commencement of this Act.

Duty of company to register charges created by company.

80.—(1) It shall be the duty of a company to send to the registrar of companies for registration the particulars of every charge created by the company and of the issues of debentures of a series, requiring registration under the last foregoing section, but registration of any such charge may be effected on the application of any person interested therein.

(2) Where registration is effected on the application of some person other than the company, that person shall be entitled to recover from the company the amount of any fees properly paid by him to the registrar on the registration.

(3) If any company makes default in sending to the registrar for registration the particulars of any charge created by the company, or of the issues of debentures of a series, requiring registration as aforesaid, then, unless the registration has been effected on the application of some other person, the company and every

PART III. —*cont.*

director, manager, secretary or other person, who is knowingly a party to the default shall be liable to a fine not exceeding fifty pounds for every day during which the default continues.

Duty of company to register charges existing on property acquired.

81.—(1) Where after the commencement of this Act a company registered in England acquires any property which is subject to a charge of any such kind as would, if it had been created by the company after the acquisition of the property, have been required to be registered under this Part of this Act, the company shall cause the prescribed particulars of the charge, together with a copy (certified in the prescribed manner to be a correct copy) of the instrument, if any, by which the charge was created or is evidenced, to be delivered to the registrar of companies for registration in manner required by this Act within twenty-one days after the date on which the acquisition is completed:

Provided that, if the property is situate and the charge was created outside Great Britain, twenty-one days after the date on which the copy of the instrument could in due course of post, and if despatched with due diligence, have been received in the United Kingdom shall be substituted for twenty-one days after the completion of the acquisition as the time within which the particulars and the copy of the instrument are to be delivered to the registrar.

(2) If default is made in complying with this section, the company and every officer of the company who is in default shall be liable to a default fine of fifty pounds.

Register of charges to be kept by registrar of companies.

82.—(1) The registrar of companies shall keep, with respect to each company, a register in the prescribed form of all the charges requiring registration under this Part of this Act, and shall, on payment of the prescribed fee, enter in the register with respect to such charges the following particulars:—

(*a*) in the case of a charge to the benefit of which the holders of a series of debentures are entitled, such particulars as are specified in subsection (8) of section seventy-nine of this Act;

PART III. —*cont.*

(*b*) in the case of any other charge —

(i) if the charge is a charge created by the company, the date of its creation, and if the charge was a charge existing on property acquired by the company, the date of the acquisition of the property; and

(ii) the amount secured by the charge; and

(iii) short particulars of the property charged; and

(iv) the persons entitled to the charge.

(2) The registrar shall give a certificate under his hand of the registration of any charge registered in pursuance of this Part of this Act, stating the amount thereby secured, and the certificate shall be conclusive evidence that the requirements of this Part of this Act as to registration have been complied with.

(3) The register kept in pursuance of this section shall be open to inspection by any person on payment of the prescribed fee, not exceeding one shilling for each inspection.

(4) The registrar shall keep a chronological index, in the prescribed form and with the prescribed particulars, of the charges entered in the register.

Endorsement of certificate of registration on debentures.

83.—(1) The company shall cause a copy of every certificate of registration given under the last foregoing section to be endorsed on every debenture or certificate of debenture stock which is issued by the company, and the payment of which is secured by the charge so registered:

Provided that nothing in this subsection shall be construed as requiring a company to cause a certificate of registration of any charge so given to be endorsed on any debenture or certificate of debenture stock issued by the company before the charge was created.

(2) If any person knowingly and wilfully authorises or permits the delivery of any debenture or certificate of debenture stock which under the provisions of this section is required to have endorsed on it a copy of a certificate of registration without the copy being so endorsed upon it, he shall, without prejudice to any other

PART III. —*cont.*

liability, be liable to a fine not exceeding one hundred pounds.

Entry of satisfaction.

84. The registrar of companies may, on evidence being given to his satisfaction that the debt for which any registered charge was given has been paid or satisfied, order that a memorandum of satisfaction be entered on the register, and shall, if required, furnish the company with a copy thereof.

Rectification of register of charges.

85. The court, on being satisfied that the omission to register a charge within the time required by this Act, or that the omission or misstatement of any particular with respect to any such charge or in a memorandum of satisfaction, was accidental, or due to inadvertence or to some other sufficient cause, or is not of a nature to prejudice the position of creditors or shareholders of the company, or that on other grounds it is just and equitable to grant relief, may, on the application of the company or any person interested, and on such terms and conditions as seem to the court just and expedient, order that the time for registration shall be extended, or, as the case may be, that the omission or misstatement shall be rectified.

Registration of enforcement of security.

86.—(1) If any person obtains an order for the appointment of a receiver or manager of the property of a company, or appoints such a receiver or manager under any powers contained in any instrument, he shall, within seven days from the date of the order or of the appointment under the said powers, give notice of the fact to the registrar of companies, and the registrar shall, on payment of the prescribed fee, enter the fact in the register of charges.

(2) Where any person appointed receiver or manager of the property of a company under the powers contained in any instrument ceases to act as such receiver or manager, he shall, on so ceasing, give the registrar of companies notice to that effect, and the registrar shall enter the notice in the register of charges.

(3) If any person makes default in complying with the requirements of this section, he shall be liable to a fine not exceeding five pounds for every day during which the default continues.

Provisions as to Company's Register of Charges and as to Copies of Instruments creating Charges.

Part III. —*cont.*

Copies of instruments creating charges to be kept by company.

87. Every company shall cause a copy of every instrument creating any charge requiring registration under this Part of this Act to be kept at the registered office of the company:

Provided that, in the case of a series of uniform debentures, a copy of one debenture of the series shall be sufficient.

Company's register of charges.

88.—(1) Every limited company shall keep at the registered office of the company a register of charges and enter therein all charges specifically affecting property of the company and all floating charges on the undertaking or any property of the company, giving in each case a short description of the property charged, the amount of the charge, and, except in the case of securities to bearer, the names of the persons entitled thereto.

(2) If any director, manager, or other officer of the company knowingly and wilfully authorises or permits the omission of any entry required to be made in pursuance of this section, he shall be liable to a fine not exceeding fifty pounds.

Right to inspect copies of instruments creating mortgages and charges and company's register of charges.

89.—(1) The copies of instruments creating any charge requiring registration under this Part of this Act with the registrar of companies, and the register of charges kept in pursuance of the last foregoing section, shall be open during business hours (but subject to such reasonable restrictions as the company in general meeting may impose, so that not less than two hours in each day shall be allowed for inspection) to the inspection of any creditor or member of the company without fee, and the register of charges shall also be open to the inspection of any other person on payment of such fee, not exceeding one shilling for each inspection, as the company may prescribe.

(2) If inspection of the said copies or register is refused, any officer of the company refusing inspection, and every director and manager of the company authorising or knowingly and wilfully permitting the refusal, shall be liable to a fine not exceeding five pounds, and

PART III. —*cont.*

a further fine not exceeding two pounds for every day during which the refusal continues.

(3) If any such refusal occurs in relation to a company registered in England, the court may by order compel an immediate inspection of the copies or register.

Application of Part III. to Companies incorporated outside England.

Application of Part III to charges created, and property subject to charge acquired by company incorporated outside England.

90. The provisions of this Part of this Act shall extend to charges on property in England which are created, and to charges on property in England which is acquired, after the commencement of this Act by a company (whether a company within the meaning of this Act or not) incorporated outside England which has an established place of business in England.

Transitional Provision as to matters required to be registered under this Act, but not under former Acts.

Provision as to charges created, and charges on property acquired, by company before commencement of Act.

91.—(1) It shall be the duty of a company within six months after the commencement of this Act to send to the registrar of companies for registration the prescribed particulars of—

(*a*) any charge created by the company before the date of the commencement of this Act and remaining unsatisfied at that date, which would have been required to be registered under the provisions of paragraphs (*g*), (*h*) and (*i*) of subsection (2) of section seventy-nine of this Act or under the provisions of section ninety of this Act, if the charge had been created after the commencement of this Act; and

(*b*) any charge to which any property acquired by the company before the commencement of this Act is subject and which would have been required to be registered under the provisions of section eighty-one of this Act or under the provisions of section ninety of this Act, if the property had been acquired after the commencement of this Act.

(2) The registrar, on payment of the prescribed fee, shall enter the said particulars on the register kept by him in pursuance of this Part of this Act.

Part III. —*cont.*

(3) If a company fails to comply with this section, the company and every director, manager, secretary or other officer of the company, or other person who is knowingly a party to the default shall be liable to a fine not exceeding fifty pounds for every day during which the default continues:

Provided that the failure of the company shall not prejudice any rights which any person in whose favour the charge was made may have thereunder.

(4) For the purposes of this section, the expression "company" includes a company (whether a company within the meaning of this Act or not) incorporated outside England which has an established place of business in England.

Part IV.

Management and Administration.

Registered Office and Name.

Registered office of company.

92.—(1) A company shall, as from the day on which it begins to carry on business or as from the twenty-eighth day after the date of its incorporation, whichever is the earlier, have a registered office to which all communications and notices may be addressed.

(2) Notice of the situation of the registered office, and of any change therein, shall be given within twenty-eight days after the date of the incorporation of the company or of the change, as the case may be, to the registrar of companies, who shall record the same.

The inclusion in the annual return of a company of a statement as to the address of its registered office shall not be taken to satisfy the obligation imposed by this subsection.

(3) If default is made in complying with this section, the company and every officer of the company who is in default shall be liable to a default fine.

Publication of name by company.

93.—(1) Every company—

(*a*) shall paint or affix, and keep painted or affixed, its name on the outside of every

PART IV. —*cont.*

office or place in which its business is carried on, in a conspicuous position, in letters easily legible;

(*b*) shall have its name engraven in legible characters on its seal;

(*c*) shall have its name mentioned in legible characters in all notices, advertisements, and other official publications of the company, and in all bills of exchange, promissory notes, endorsements, cheques, and orders for money or goods purporting to be signed by or on behalf of the company, and in all bills of parcels, invoices, receipts, and letters of credit of the company.

(2) If a company does not paint or affix its name in manner directed by this Act, the company and every officer of the company who is in default shall be liable to a fine not exceeding five pounds, and if a company does not keep its name painted or affixed in manner so directed, the company and every officer of the company who is in default shall be liable to a default fine.

(3) If a company fails to comply with paragraph (*b*) or paragraph (*c*) of subsection (1) of this section, the company shall be liable to a fine not exceeding fifty pounds.

(4) If a director, manager, or officer of a company, or any person on its behalf—

(*a*) uses or authorises the use of any seal purporting to be a seal of the company whereon its name is not so engraven as aforesaid; or

(*b*) issues or authorises the issue of any notice, advertisement, or other official publication of the company, or signs or authorises to be signed on behalf of the company any bill of exchange, promissory note, endorsement, cheque, or order for money or goods, wherein its name is not mentioned in manner aforesaid; or

(*c*) issues or authorises the issue of any bill of parcels, invoice, receipt, or letter of credit of the company, wherein its name is not mentioned in manner aforesaid;

he shall be liable to a fine not exceeding fifty pounds, and shall further be personally liable to the holder of the bill of exchange, promissory note, cheque, or order for money or goods, for the amount thereof, unless it is duly paid by the company.

Part IV. —*cont.*

Restrictions on Commencement of Business.

Restrictions on commencement of business.

94.—(1) Where a company having a share capital has issued a prospectus inviting the public to subscribe for its shares, the company shall not commence any business or exercise any borrowing powers unless—

(*a*) shares held subject to the payment of the whole amount thereof in cash have been allotted to an amount not less in the whole than the minimum subscription; and

(*b*) every director of the company has paid to the company, on each of the shares taken or contracted to be taken by him and for which he is liable to pay in cash, a proportion equal to the proportion payable on application and allotment on the shares offered for public subscription; and

(*c*) there has been delivered to the registrar of companies for registration a statutory declaration by the secretary or one of the directors, in the prescribed form, that the aforesaid conditions have been complied with.

(2) Where a company having a share capital has not issued a prospectus inviting the public to subscribe for its shares, the company shall not commence any business or exercise any borrowing powers, unless—

(*a*) there has been delivered to the registrar of companies for registration a statement in lieu of prospectus; and

(*b*) every director of the company has paid to the company, on each of the shares taken or contracted to be taken by him and for which he is liable to pay in cash, a proportion equal to the proportion payable on application and allotment on the shares payable in cash; and

(*c*) there has been delivered to the registrar of companies for registration a statutory declaration by the secretary or one of the directors in the prescribed form that paragraph (*b*) of this subsection has been complied with.

PART IV. —*cont.*

(3) The registrar of companies shall, on the delivery to him of the said statutory declaration, and, in the case of a company which is required by this section to deliver a statement in lieu of prospectus, of such a statement, certify that the company is entitled to commence business, and that certificate shall be conclusive evidence that the company is so entitled.

(4) Any contract made by a company before the date at which it is entitled to commence business shall be provisional only, and shall not be binding on the company until that date, and on that date it shall become binding.

(5) Nothing in this section shall prevent the simultaneous offer for subscription or allotment of any shares and debentures or the receipt of any money payable on application for debentures.

(6) If any company commences business or exercises borrowing powers in contravention of this section, every person who is responsible for the contravention shall, without prejudice to any other liability, be liable to a fine not exceeding fifty pounds for every day during which the contravention continues.

(7) Nothing in this section shall apply to—

(*a*) a private company; or

(*b*) a company registered before the first day of January, nineteen hundred and one; or

(*c*) a company registered before the first day of July, nineteen hundred and eight, which has not issued a prospectus inviting the public to subscribe for its shares.

Register of Members.

Register of members.

95.—(1) Every company shall keep in one or more books a register of its members, and enter therein the following particulars :—

(*a*) The names and addresses, and the occupations, if any, of the members, and in the case of a company having a share capital a statement of the shares held by each member, distinguishing each share by its number, and of the amount paid or agreed to be considered as paid on the shares of each member;

PART IV. —*cont.*

(*b*) The date at which each person was entered in the register as a member;

(*c*) The date at which any person ceased to be a member:

Provided that, where the company has converted any of its shares into stock and given notice of the conversion to the registrar of companies, the register shall show the amount of stock held by each member instead of the amount of shares and the particulars relating to shares specified in paragraph (*a*) of this subsection.

(2) If default is made in complying with this section, the company and every officer of the company who is in default shall be liable to a default fine.

Index of members of company.

96.—(1) Every company having more than fifty members shall, unless the register of members is in such a form as to constitute in itself an index, keep an index of the names of the members of the company and shall, within fourteen days after the date on which any alteration is made in the register of members, make any necessary alteration in the index.

(2) The index, which may be in the form of a card index, shall in respect of each member contain a sufficient indication to enable the account of that member in the register to be readily found.

(3) If default is made in complying with this section, the company and every officer of the company who is in default shall be liable to a default fine.

Provisions as to entries in register in relation to share warrants.

97.—(1) On the issue of a share warrant the company shall strike out of its register of members the name of the member then entered therein as holding the shares specified in the warrant as if he had ceased to be a member, and shall enter in the register the following particulars, namely:—

(*a*) The fact of the issue of the warrant;

(*b*) A statement of the shares included in the warrant, distinguishing each share by its number; and

(*c*) The date of the issue of the warrant.

(2) The bearer of a share warrant shall, subject to the articles of the company, be entitled, on surrendering

PART IV. —*cont.*

it for cancellation, to have his name entered as a member in the register of members.

(3) The company shall be responsible for any loss incurred by any person by reason of the company entering in the register the name of a bearer of a share warrant in respect of the shares therein specified without the warrant being surrendered and cancelled.

(4) Until the warrant is surrendered, the particulars specified in subsection (1) of this section shall be deemed to be the particulars required by this Act to be entered in the register of members, and, on the surrender, the date of the surrender must be entered.

(5) Subject to the provisions of this Act, the bearer of a share warrant may, if the articles of the company so provide, be deemed to be a member of the company within the meaning of this Act, either to the full extent or for any purposes defined in the articles.

Inspection of register of members.

98.—(1) The register of members, commencing from the date of the registration of the company, and the index of the names of members, shall be kept at the registered office of the company, and, except when the register is closed under the provisions of this Act, shall during business hours (subject to such reasonable restrictions as the company in general meeting may impose, so that not less than two hours in each day be allowed for inspection) be open to the inspection of any member without charge and of any other person on payment of one shilling, or such less sum as the company may prescribe, for each inspection.

(2) Any member or other person may require a copy of the register, or of any part thereof, on payment of sixpence, or such less sum as the company may prescribe, for every hundred words or fractional part thereof required to be copied.

The company shall cause any copy so required by any person to be sent to that person within a period of ten days commencing on the day next after the day on which the requirement is received by the company.

(3) If any inspection required under this section is refused or if any copy required under this section is not

sent within the proper period, the company and every officer of the company who is in default shall be liable in respect of each offence to a fine not exceeding two pounds, and further to a default fine of two pounds.

(4) In the case of any such refusal or default, the court may by order compel an immediate inspection of the register and index or direct that the copies required shall be sent to the persons requiring them.

Power to close register.

99. A company may, on giving notice by advertisement in some newspaper circulating in the district in which the registered office of the company is situate, close the register of members for any time or times not exceeding in the whole thirty days in each year.

Power of court to rectify register.

100.—(1) If—

(*a*) the name of any person is, without sufficient cause, entered in or omitted from the register of members of a company; or

(*b*) default is made or unnecessary delay takes place in entering on the register the fact of any person having ceased to be a member;

the person aggrieved, or any member of the company, or the company, may apply to the court for rectification of the register.

(2) Where an application is made under this section, the court may either refuse the application or may order rectification of the register and payment by the company of any damages sustained by any party aggrieved.

(3) On an application under this section the court may decide any question relating to the title of any person who is a party to the application to have his name entered in or omitted from the register, whether the question arises between members or alleged members, or between members or alleged members on the one hand and the company on the other hand, and generally may decide any question necessary or expedient to be decided for rectification of the register.

(4) In the case of a company required by this Act to send a list of its members to the registrar of companies,

PART IV. —*cont.*

the court, when making an order for rectification of the register, shall by its order direct notice of the rectification to be given to the registrar.

Trusts not to be entered on register in England.

101. No notice of any trust, expressed, implied, or constructive, shall be entered on the register, or be receivable by the registrar, in the case of companies registered in England.

Register to be evidence.

102. The register of members shall be primâ facie evidence of any matters by this Act directed or authorised to be inserted therein.

Dominion Register.

Power for company to keep dominion register.

103.—(1) A company having a share capital whose objects comprise the transaction of business in any part of His Majesty's dominions outside Great Britain, the Channel Islands, or the Isle of Man may cause to be kept in any such part of His Majesty's dominions in which it transacts business a branch register of members resident in that part (in this Act called a "dominion register").

(2) The company shall give to the registrar of companies notice of the situation of the office where any dominion register is kept and of any change in its situation, and if it is discontinued of its discontinuance, and any such notice shall be given within fourteen days of the opening of the office or of the change or discontinuance, as the case may be.

(3) If default is made in complying with subsection (2) of this section, the company and every officer of the company who is in default shall be liable to a default fine.

(4) References to a colonial register occurring in any articles registered before the commencement of this Act shall be construed as references to a dominion register.

Regulations as to dominion register.

104.—(1) A dominion register shall be deemed to be part of the company's register of members (in this and the next following section called "the principal register").

PART IV. —*cont.*

(2) It shall be kept in the same manner in which the principal register is by this Act required to be kept, except that the advertisement before closing the register shall be inserted in some newspaper circulating in the district where the dominion register is kept, and that any competent court in that part of His Majesty's dominions where the register is kept may exercise the same jurisdiction of rectifying the register as is under this Act exerciseable by the court, and that the offences of refusing inspection or copies of a dominion register, and of authorising or permitting the refusal may be prosecuted summarily before any tribunal having summary criminal jurisdiction in that part of His Majesty's dominions.

(3) The company shall transmit to its registered office a copy of every entry in its dominion register as soon as may be after the entry is made, and shall cause to be kept at its registered office, duly entered up from time to time, a duplicate of its dominion register.

Every such duplicate shall, for all the purposes of this Act, be deemed to be part of the principal register.

(4) Subject to the provisions of this section with respect to the duplicate register, the shares registered in a dominion register shall be distinguished from the shares registered in the principal register, and no transaction with respect to any shares registered in a dominion register shall, during the continuance of that registration, be registered in any other register.

(5) A company may discontinue to keep a dominion register, and thereupon all entries in that register shall be transferred to some other dominion register kept by the company in the same part of His Majesty's dominions, or to the principal register.

(6) Subject to the provisions of this Act, any company may, by its articles, make such provisions as it may think fit respecting the keeping of dominion registers.

(7) If default is made in complying with subsection (3) of this section, the company and every officer of the company who is in default shall be liable to a default fine.

PART IV. —*cont.*

Stamp duties in case of shares registered in dominion registers.

105. An instrument of transfer of a share registered in a dominion register, other than such a register kept in Northern Ireland, shall be deemed to be a transfer of property situate out of the United Kingdom, and, unless executed in any part of the United Kingdom, shall be exempt from stamp duty chargeable in Great Britain.

Power to extend provisions as to dominion registers to other countries.

53 & 54 Vict. c. 37.

106.—(1) The Foreign Jurisdiction Act, 1890, shall have effect as if the last three foregoing sections of this Act were included among the enactments which by virtue of section five of that Act may be applied by Order in Council to foreign countries in which for the time being His Majesty has jurisdiction.

(2) His Majesty may by Order in Council direct that the said sections, including any enactments for the time being in force amending or substituted for those sections, shall extend, with or without any exceptions, adaptations or modifications specified in the Order, to any territories under His Majesty's protection to which those sections cannot be extended under the Foreign Jurisdiction Act, 1890, as amended by subsection (1) of this section.

His Majesty may by Order in Council revoke or vary any Order made under this subsection.

Provisions as to branch registers of dominion companies kept in the United Kingdom.

107.—(1) If by virtue of the law in force in any part of His Majesty's dominions outside Great Britain companies incorporated under that law have power to keep in Great Britain branch registers of their members resident in Great Britain, His Majesty may by Order in Council direct that sections ninety-eight and one hundred of this Act shall, subject to any modifications and adaptations specified in the Order, apply to and in relation to any such branch registers kept in Great Britain as they apply to and in relation to the registers of companies within the meaning of this Act.

(2) For the purposes of this section, the expression "His Majesty's dominions" includes any territory which is under His Majesty's protection or in respect of which a mandate under the League of Nations has been accepted by His Majesty.

Annual Return.

Part IV. —*cont.*

Annual return to be made by company having a share capital.

108.—(1) Every company having a share capital shall once at least in every year make a return containing a list of all persons who, on the fourteenth day after the first or only ordinary general meeting in the year, are members of the company, and of all persons who have ceased to be members since the date of the last return or, in the case of the first return, of the incorporation of the company.

(2) The list must state the names, addresses, and occupations of all the past and present members therein mentioned, and the number of shares held by each of the existing members at the date of the return, specifying shares transferred since the date of the last return or, in the case of the first return, of the incorporation of the company by persons who are still members and have ceased to be members respectively and the dates of registration of the transfers, and, if the names therein are not arranged in alphabetical order, must have annexed to it an index sufficient to enable the name of any person in the list to be readily found:

Provided that, where the company has converted any of its shares into stock and given notice of the conversion to the registrar of companies, the list must state the amount of stock held by each of the existing members instead of the amount of shares and the particulars relating to shares hereinbefore required.

(3) The return must also state the address of the registered office of the company and must contain a summary distinguishing between shares issued for cash and shares issued as fully or partly paid up otherwise than in cash, and specifying the following particulars:—

(*a*) The amount of the share capital of the company, and the number of the shares into which it is divided;

(*b*) The number of shares taken from the commencement of the company up to the date of the return;

(*c*) The amount called up on each share;

PART IV. —*cont.*

(*d*) The total amount of calls received;

(*e*) The total amount of calls unpaid;

(*f*) The total amount of the sums, if any, paid by way of commission in respect of any shares or debentures;

(*g*) Particulars of the discount allowed on the issue of any shares issued at a discount, or of so much of that discount as has not been written off at the date on which the return is made;

(*h*) The total amount of the sums, if any, allowed by way of discount in respect of any debentures, since the date of the last return;

(*i*) The total number of shares forfeited;

(*k*) The total amount of shares for which share warrants are outstanding at the date of the return;

(*l*) The total amount of share warrants issued and surrendered respectively since the date of the last return;

(*m*) The number of shares comprised in each share warrant;

(*n*) All such particulars with respect to the persons who at the date of the return are the directors of the company as are by this Act required to be contained with respect to directors in the register of the directors of a company;

(*o*) The total amount of the indebtedness of the company in respect of all mortgages and charges which are required (or, in the case of a company registered in Scotland, which, if the company had been registered in England, would be required) to be registered with the registrar of companies under this Act, or which would have been required so to be registered if created after the first day of July, nineteen hundred and eight.

(4) The return shall be in accordance with the form set out in the Sixth Schedule to this Act, or as near thereto as circumstances admit.

PART IV. —*cont.*

(5) In the case of a company keeping a dominion register, the particulars of the entries in that register shall, so far as they relate to matters which are required to be stated in the return, be included in the return made next after copies of those entries are received at the registered office of the company.

Annual return to be made by company not having share capital.

109.—(1) Every company not having a share capital shall once at least in every calendar year make a return stating—

(*a*) the address of the registered office of the company;

(*b*) all such particulars with respect to the persons who at the date of the return are the directors of the company as are by this Act required to be contained with respect to directors in the register of directors of a company.

(2) There shall be annexed to the return a statement containing particulars of the total amount of the indebtedness of the company in respect of all mortgages and charges which are required (or, in the case of a company registered in Scotland, which, if the company had been registered in England, would be required) to be registered with the registrar of companies under this Act, or which would have been required so to be registered if created after the first day of July, nineteen hundred and eight.

General provisions as to annual returns.

110.—(1) The annual return must be contained in a separate part of the register of members, and must be completed within twenty-eight days after the first or only general meeting in the year, and the company must forthwith forward to the registrar of companies a copy signed by a director or by the manager or by the secretary of the company.

(2) Section ninety-eight of this Act shall apply to the annual return as it applies to the register of members.

(3) Except where the company is a private company, or is an assurance company which has complied with the provisions of subsection (4) of section seven of

PART IV. —*cont.* 9 Edw. 7. c. 49.

the Assurance Companies Act, 1909, the annual return shall include a written copy, certified by a director or the manager or secretary of the company to be a true copy, of the last balance sheet which has been audited by the company's auditors, including every document required by law to be annexed thereto, together with a copy of the report of the auditors thereon certified as aforesaid, and if any such balance sheet is in a foreign language there shall also be annexed to it a translation thereof in English, certified in the prescribed manner to be a correct translation:

Provided that, if the said last balance sheet did not comply with the requirements of the law as in force at the date of the audit with respect to the form of balance sheets there shall be made such additions to and corrections in the said copy as would have been required to be made in the said balance sheet in order to make it comply with the said requirements, and the fact that the said copy has been so amended shall be stated thereon.

(4) If a company fails to comply with this section or either of the two last foregoing sections of this Act, the company and every officer of the company who is in default shall be liable to a default fine.

(5) For the purposes of subsection (4) of this section, the expression "officer," and for the purposes of the last two foregoing sections of this Act the expression "director," shall include any person in accordance with whose directions or instructions the directors of the company are accustomed to act.

Certificates to be sent by private company with annual return.

111. A private company shall send with the annual return required by section one hundred and eight of this Act a certificate signed by a director or the secretary of the company that the company has not, since the date of the last return, or, in the case of a first return, since the date of the incorporation of the company, issued any invitation to the public to subscribe for any shares or debentures of the company, and, where the annual return discloses the fact that the number of members of the company exceeds fifty, also a certificate so signed that the excess consists wholly of persons who under paragraph (*b*) of subsection (1) of section twenty-six of this Act, are not to be included in reckoning the number of fifty.

Meetings and Proceedings.

PART IV. —*cont.*

Annual general meeting.

112.—(1) A general meeting of every company shall be held once at the least in every calendar year, and not more than fifteen months after the holding of the last preceding general meeting.

(2) If default is made in holding a meeting of the company in accordance with the provisions of this section, the company, and every director or manager of the company who is knowingly a party to the default shall be liable to a fine not exceeding fifty pounds.

(3) If default is made as aforesaid, the court may, on the application of any member of the company, call, or direct the calling of, a general meeting of the company.

Statutory meeting and statutory report.

113.—(1) Every company limited by shares and every company limited by guarantee and having a share capital shall, within a period of not less than one month nor more than three months from the date at which the company is entitled to commence business, hold a general meeting of the members of the company, which shall be called "the statutory meeting."

(2) The directors shall, at least seven days before the day on which the meeting is held, forward a report (in this Act referred to as "the statutory report") to every member of the company.

(3) The statutory report shall be certified by not less than two directors of the company, or, where there are less than two directors, by the sole director and manager, and shall state—

(*a*) the total number of shares allotted, distinguishing shares allotted as fully or partly paid up otherwise than in cash, and stating in the case of shares partly paid up the extent to which they are so paid up, and in either case the consideration for which they have been allotted;

(*b*) the total amount of cash received by the company in respect of all the shares allotted, distinguished as aforesaid;

(*c*) an abstract of the receipts of the company and of the payments made thereout, up to a

PART IV. —*cont.*

date within seven days of the date of the report, exhibiting under distinctive headings the receipts of the company from shares and debentures and other sources, the payments made thereout, and particulars concerning the balance remaining in hand, and an account or estimate of the preliminary expenses of the company;

(*d*) the names, addresses, and descriptions of the directors, auditors, if any, managers, if any, and secretary of the company; and

(*e*) the particulars of any contract, the modification of which is to be submitted to the meeting for its approval, together with the particulars of the modification or proposed modification.

(4) The statutory report shall, so far as it relates to the shares allotted by the company, and to the cash received in respect of such shares, and to the receipts and payments of the company on capital account, be certified as correct by the auditors, if any, of the company.

(5) The directors shall cause a copy of the statutory report, certified as required by this section, to be delivered to the registrar of companies for registration forthwith after the sending thereof to the members of the company.

(6) The directors shall cause a list showing the names, descriptions, and addresses of the members of the company, and the number of shares held by them respectively, to be produced at the commencement of the meeting, and to remain open and accessible to any member of the company during the continuance of the meeting.

(7) The members of the company present at the meeting shall be at liberty to discuss any matter relating to the formation of the company, or arising out of the statutory report, whether previous notice has been given or not, but no resolution of which notice has not been given in accordance with the articles may be passed.

(8) The meeting may adjourn from time to time, and at any adjourned meeting any resolution of which notice has been given in accordance with the articles, either before or subsequently to the former meeting, may be passed, and the adjourned meeting shall have the same powers as an original meeting.

Part IV. —*cont.*

(9) In the event of any default in complying with the provisions of this section every director of the company who is guilty of or who knowingly and wilfully authorises or permits the default shall be liable to a fine not exceeding fifty pounds.

(10) This section shall not apply to a private company.

Convening of extraordinary general meeting on requisition.

114.—(1) The directors of a company, notwithstanding anything in its articles, shall, on the requisition of members of the company holding at the date of the deposit of the requisition not less than one-tenth of such of the paid-up capital of the company as at the date of the deposit carries the right of voting at general meetings of the company, or, in the case of a company not having a share capital, members of the company representing not less than one-tenth of the total voting rights of all the members having at the said date a right to vote at general meetings of the company, forthwith proceed duly to convene an extraordinary general meeting of the company.

(2) The requisition must state the objects of the meeting, and must be signed by the requisitionists and deposited at the registered office of the company, and may consist of several documents in like form, each signed by one or more requisitionists.

(3) If the directors do not within twenty-one days from the date of the deposit of the requisition proceed duly to convene a meeting, the requisitionists, or any of them representing more than one half of the total voting rights of all of them, may themselves convene a meeting, but any meeting so convened shall not be held after the expiration of three months from the said date.

(4) A meeting convened under this section by the requisitionists shall be convened in the same manner, as nearly as possible, as that in which meetings are to be convened by directors.

(5) Any reasonable expenses incurred by the requisitionists by reason of the failure of the directors duly to convene a meeting shall be repaid to the requisitionists by the company, and any sum so repaid shall be retained by the company out of any sums due

PART IV. —*cont.*

or to become due from the company by way of fees or other remuneration in respect of their services to such of the directors as were in default.

(6) For the purposes of this section, the directors shall, in the case of a meeting at which a resolution is to be proposed as a special resolution, be deemed not to have duly convened the meeting if they do not give such notice thereof as is required by section one hundred and seventeen of this Act.

Provisions as to meetings and votes.

115.—(1) The following provisions shall have effect in so far as the articles of the company do not make other provision in that behalf:—

(*a*) a meeting of a company, other than a meeting for the passing of a special resolution, may be called by seven days' notice in writing;

(*b*) notice of the meeting of a company shall be served on every member of the company in the manner in which notices are required to be served by Table A, and for the purpose of this paragraph the expression "Table A" means that Table as for the time being in force;

(*c*) two or more members holding not less than one-tenth of the issued share capital or, if the company has not a share capital, not less than five per cent. in number of the members of the company may call a meeting;

(*d*) in the case of a private company two members, and in the case of any other company three members, personally present shall be a quorum;

(*e*) any member elected by the members present at a meeting may be chairman thereof;

(*f*) in the case of a company originally having a share capital, every member shall have one vote in respect of each share or each ten pounds of stock held by him, and in any other case every member shall have one vote.

(2) If for any reason it is impracticable to call a meeting of a company in any manner in which meetings of that company may be called, or to conduct the meeting of the company in manner prescribed by the articles or this Act, the court may, either of its own

motion or on the application of any director of the company or of any member of the company who would be entitled to vote at the meeting, order a meeting of the company to be called, held and conducted in such manner as the court thinks fit, and where any such order is made may give such ancillary or consequential directions as it thinks expedient, and any meeting called, held and conducted in accordance with any such order shall for all purposes be deemed to be a meeting of the company duly called, held and conducted.

Representation of companies at meetings of other companies and of creditors.

116.—(1) A corporation, whether a company within the meaning of this Act or not, may—

(*a*) if it is a member of another corporation, being a company within the meaning of this Act, by resolution of its directors or other governing body authorise such person as it thinks fit to act as its representative at any meeting of the company or at any meeting of any class of members of the company;

(*b*) if it is a creditor (including a holder of debentures) of another corporation, being a company within the meaning of this Act, by resolution of its directors or other governing body authorise such person as it thinks fit to act as its representative at any meeting of any creditors of the company held in pursuance of this Act or of any rules made thereunder, or in pursuance of the provisions contained in any debenture or trust deed, as the case may be.

(2) A person authorised as aforesaid shall be entitled to exercise the same powers on behalf of the corporation which he represents as that corporation could exercise if it were an individual shareholder, creditor, or holder of debentures, of that other company.

Provisions as to extraordinary and special resolutions.

117.—(1) A resolution shall be an extraordinary resolution when it has been passed by a majority of not less than three fourths of such members as, being entitled so to do, vote in person or, where proxies are allowed, by proxy, at a general meeting of which notice specifying the intention to propose the resolution as an extraordinary resolution has been duly given.

PART IV. —*cont.*

(2) A resolution shall be a special resolution when it has been passed by such a majority as is required for the passing of an extraordinary resolution and at a general meeting of which not less than twenty-one days' notice, specifying the intention to propose the resolution as a special resolution, has been duly given:

Provided that, if all the members entitled to attend and vote at any such meeting so agree, a resolution may be proposed and passed as a special resolution at a meeting of which less than twenty-one days' notice has been given.

(3) At any meeting at which an extraordinary resolution or a special resolution is submitted to be passed, a declaration of the chairman that the resolution is carried shall, unless a poll is demanded, be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.

(4) At any meeting at which an extraordinary resolution or a special resolution is submitted to be passed a poll shall be taken to be effectively demanded, if demanded—

(*a*) by such number of members for the time being entitled under the articles to vote at the meeting as may be specified in the articles, so, however, that it shall not in any case be necessary for more than five members to make the demand; or

(*b*) if no provision is made by the articles with respect to the right to demand the poll, by three members so entitled or by one member or two members so entitled, if that member holds or those two members together hold not less than fifteen per cent. of the paid-up share capital of the company.

(5) When a poll is demanded in accordance with this section, in computing the majority on the poll reference shall be had to the number of votes to which each member is entitled by virtue of this Act or of the articles of the company.

PART IV. —*cont.*

(6) For the purposes of this section, notice of a meeting shall be deemed to be duly given and the meeting to be duly held when the notice is given and the meeting held in manner provided by this Act or the articles.

Registration and copies of certain resolutions and agreements.

118.—(1) A printed copy of every resolution or agreement to which this section applies shall, within fifteen days after the passing or making thereof, be forwarded to the registrar of companies and recorded by him.

(2) Where articles have been registered, a copy of every such resolution or agreement for the time being in force shall be embodied in or annexed to every copy of the articles issued after the passing of the resolution or the making of the agreement.

(3) Where articles have not been registered, a printed copy of every such resolution or agreement shall be forwarded to any member at his request, on payment of one shilling or such less sum as the company may direct.

(4) This section shall apply to—

(*a*) Special resolutions;

(*b*) Extraordinary resolutions;

(*c*) Resolutions which have been agreed to by all the members of a company, but which, if not so agreed to, would not have been effective for their purpose unless, as the case may be, they had been passed as special resolutions or as extraordinary resolutions;

(*d*) Resolutions or agreements which have been agreed to by all the members of some class of shareholders, but which, if not so agreed to, would not have been effective for their purpose unless they had been passed by some particular majority or otherwise in some particular manner, and all resolutions or agreements which effectively bind all the members of any class of shareholders though not agreed to by all those members;

(*e*) Resolutions requiring a company to be wound up voluntarily, passed under paragraph (*a*) of subsection (1) of section two hundred and twenty-five of this Act.

PART IV. —*cont.*

(5) If a company fails to comply with subsection (1) of this section, the company and every officer of the company who is in default shall be liable to a default fine of two pounds.

(6) If a company fails to comply with subsection (2) or subsection (3) of this section, the company and every officer of the company who is in default shall be liable to a fine not exceeding one pound for each copy in respect of which default is made.

(7) For the purposes of the last two foregoing subsections, a liquidator of the company shall be deemed to be an officer of the company.

Resolutions passed at adjourned meetings.

119. Where after the commencement of this Act a resolution is passed at an adjourned meeting of—

(*a*) a company;

(*b*) the holders of any class of shares in a company;

(*c*) the directors of a company;

the resolution shall for all purposes be treated as having been passed on the date on which it was in fact passed, and shall not be deemed to have been passed on any earlier date.

Minutes of proceedings of meetings and directors.

120.—(1) Every company shall cause minutes of all proceedings of general meetings, and where there are directors or managers, of all proceedings at meetings of its directors or of its managers, to be entered in books kept for that purpose.

(2) Any such minute if purporting to be signed by the chairman of the meeting at which the proceedings were had, or by the chairman of the next succeeding meeting, shall be evidence of the proceedings.

(3) Where minutes have been made in accordance with the provisions of this section of the proceedings at any general meeting of the company or meeting of directors or managers, then, until the contrary is proved, the meeting shall be deemed to have been duly held and convened, and all proceedings had thereat to have been duly had, and all appointments of directors, managers, or liquidators, shall be deemed to be valid.

PART IV. —*cont.*

Inspection of minute books.

121.—(1) The books containing the minutes of proceedings of any general meeting of a company held after the commencement of this Act shall be kept at the registered office of the company, and shall during business hours (subject to such reasonable restrictions as the company may by its articles or in general meeting impose, so that no less than two hours in each day be allowed for inspection) be open to the inspection of any member without charge.

(2) Any member shall be entitled to be furnished within seven days after he has made a request in that behalf to the company with a copy of any such minutes as aforesaid at a charge not exceeding sixpence for every hundred words.

(3) If any inspection required under this section is refused or if any copy required under this section is not sent within the proper time, the company and every officer of the company who is in default shall be liable in respect of each offence to a fine not exceeding two pounds and further to a default fine of two pounds.

(4) In the case of any such refusal or default, the court may by order compel an immediate inspection of the books in respect of all proceedings of general meetings or direct that the copies required shall be sent to the persons requiring them.

Accounts and Audit.

Keeping of books of account.

122.—(1) Every company shall cause to be kept proper books of account with respect to—

(*a*) all sums of money received and expended by the company and the matters in respect of which the receipt and expenditure takes place;

(*b*) all sales and purchases of goods by the company;

(*c*) the assets and liabilities of the company.

(2) The books of account shall be kept at the registered office of the company or at such other place as the directors think fit, and shall at all times be open to inspection by the directors.

PART IV. —*cont.*

(3) If any person being a director of a company fails to take all reasonable steps to secure compliance by the company with the requirements of this section, or has by his own wilful act been the cause of any default by the company thereunder, he shall, in respect of each offence, be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds:

Provided that a person shall not be sentenced to imprisonment for an offence under this section unless, in the opinion of the court dealing with the case, the offence was committed wilfully.

Profit and loss account and balance sheet.

123.—(1) The directors of every company shall at some date not later than eighteen months after the incorporation of the company and subsequently once at least in every calendar year lay before the company in general meeting a profit and loss account or, in the case of a company not trading for profit, an income and expenditure account for the period, in the case of the first account, since the incorporation of the company, and, in any other case, since the preceding account, made up to a date not earlier than the date of the meeting by more than nine months, or, in the case of a company carrying on business or having interests abroad, by more than twelve months:

Provided that the Board of Trade, if for any special reason they think fit so to do, may, in the case of any company, extend the period of eighteen months aforesaid, and in the case of any company and with respect to any year extend the periods of nine and twelve months aforesaid.

(2) The directors shall cause to be made out in every calendar year, and to be laid before the company in general meeting, a balance sheet as at the date to which the profit and loss account, or the income and expenditure account, as the case may be, is made up, and there shall be attached to every such balance sheet a report by the directors with respect to the state of the company's affairs, the amount, if any, which they recommend should be paid by way of dividend, and the amount, if any, which they propose to carry to the reserve fund, general reserve or reserve account shown specifically on the

balance sheet, or to a reserve fund, general reserve or reserve account to be shown specifically on a subsequent balance sheet.

(3) If any person being a director of a company fails to take all reasonable steps to comply with the provisions of this section, he shall, in respect of each offence, be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds:

Provided that a person shall not be sentenced to imprisonment for an offence under this section unless in the opinion of the court dealing with the case, the offence was committed wilfully.

Contents of balance sheet.

124.—(1) Every balance sheet of a company shall contain a summary of the authorised share capital and of the issued share capital of the company, its liabilities and its assets, together with such particulars as are necessary to disclose the general nature of the liabilities and the assets of the company and to distinguish between the amounts respectively of the fixed assets and of the floating assets, and shall state how the values of the fixed assets have been arrived at.

(2) There shall be stated under separate headings in the balance sheet, so far as they are not written off—

(*a*) the preliminary expenses of the company; and

(*b*) any expenses incurred in connection with any issue of share capital or debentures; and

(*c*) if it is shown as a separate item in or is otherwise ascertainable from the books of the company, or from any contract for the sale or purchase of any property to be acquired by the company, or from any documents in the possession of the company relating to the stamp duty payable in respect of any such contract or the conveyance of any such property, the amount of the goodwill and of any patents and trademarks as so shown or ascertained.

(3) Where any liability of the company is secured otherwise than by operation of law on any assets of the company, the balance sheet shall include a statement

PART IV. —*cont.*

that that liability is so secured, but it shall not be necessary to specify in the balance sheet the assets on which the liability is secured.

(4) The provisions of this section are in addition to other provisions of this Act requiring other matters to be stated in balance sheets.

Assets consisting of shares in subsidiary companies to be set out separately in balance sheet.

125. Where any of the assets of a company consist of shares in, or amounts owing (whether on account of a loan or otherwise) from a subsidiary company or subsidiary companies, the aggregate amount of those assets, distinguishing shares and indebtedness, shall be set out in the balance sheet of the first-mentioned company separately from all its other assets, and where a company is indebted, whether on account of a loan or otherwise, to a subsidiary company or subsidiary companies, the aggregate amount of that indebtedness shall be set out in the balance sheet of that company separately from all its other liabilities.

Balance sheet to include particulars as to subsidiary companies.

126.—(1) Where a company (in this section referred to as "the holding company") holds shares either directly or through a nominee in a subsidiary company or in two or more subsidiary companies, there shall be annexed to the balance sheet of the holding company a statement, signed by the persons by whom in pursuance of section one hundred and twenty-nine of this Act the balance sheet is signed, stating how the profits and losses of the subsidiary company, or, where there are two or more subsidiary companies, the aggregate profits and losses of those companies, have, so far as they concern the holding company, been dealt with in, or for the purposes of, the accounts of the holding company, and in particular how, and to what extent,—

(*a*) provision has been made for the losses of a subsidiary company either in the accounts of that company or of the holding company, or of both; and

(*b*) losses of a subsidiary company have been taken into account by the directors of the holding company in arriving at the profits and losses of the holding company as disclosed in its accounts:

Part IV. —*cont.*

Provided that it shall not be necessary to specify in any such statement the actual amount of the profits or losses of any subsidiary company, or the actual amount of any part of any such profits or losses which has been dealt with in any particular manner.

(2) If in the case of a subsidiary company the auditors' report on the balance sheet of the company does not state without qualification that the auditors have obtained all the information and explanations they have required and that the balance sheet is properly drawn up so as to exhibit a true and correct view of the state of the company's affairs according to the best of their information and the explanations given to them and as shown by the books of the company, the statement which is to be annexed as aforesaid to the balance sheet of the holding company shall contain particulars of the manner in which the report is qualified.

(3) For the purposes of this section, the profits or losses of a subsidiary company mean the profits or losses shown in any accounts of the subsidiary company made up to a date within the period to which the accounts of the holding company relate, or, if there are no such accounts of the subsidiary company available at the time when the accounts of the holding company are made up, the profits or losses shown in the last previous accounts of the subsidiary company which became available within that period.

(4) If for any reason the directors of the holding company are unable to obtain such information as is necessary for the preparation of the statement aforesaid, the directors who sign the balance sheet shall so report in writing and their report shall be annexed to the balance sheet in lieu of the statement.

Meaning of subsidiary company.

127.—(1) Where the assets of a company consist in whole or in part of shares in another company, whether held directly or through a nominee and whether that other company is a company within the meaning of this Act or not, and—

(*a*) the amount of the shares so held is at the time when the accounts of the holding company

PART IV, —*cont.*

are made up more than fifty per cent. of the issued share capital of that other company or such as to entitle the company to more than fifty per cent. of the voting power in that other company; or

(*b*) the company has power (not being power vested in it by virtue only of the provisions of a debenture trust deed or by virtue of shares issued to it for the purpose in pursuance of those provisions) directly or indirectly to appoint the majority of the directors of that other company,

that other company shall be deemed to be a subsidiary company within the meaning of this Act, and the expression "subsidiary company" in this Act means a company in the case of which the conditions of this section are satisfied.

(2) Where a company the ordinary business of which includes the lending of money holds shares in another company as security only, no account shall for the purpose of determining under this section whether that other company is a subsidiary company be taken of the shares so held.

Accounts to contain particulars as to loans to, and remuneration of, directors, &c.

128.—(1) The accounts which in pursuance of this Act are to be laid before every company in general meeting shall, subject to the provisions of this section, contain particulars showing—

(*a*) the amount of any loans which during the period to which the accounts relate have been made either by the company or by any other person under a guarantee from or on a security provided by the company to any director or officer of the company, including any such loans which were repaid during the said period; and

(*b*) the amount of any loans made in manner aforesaid to any director or officer at any time before the period aforesaid and outstanding at the expiration thereof; and

(*c*) the total of the amount paid to the directors as remuneration for their services, inclusive of all fees, percentages, or other emoluments, paid to or receivable by them by or from the company or by or from any subsidiary company.

PART IV. —*cont.*

(2) The provisions of subsection (1) of this section with respect to loans shall not apply—

(*a*) in the case of a company the ordinary business of which includes the lending of money, to a loan made by the company in the ordinary course of its business; or

(*b*) to a loan made by the company to any employee of the company if the loan does not exceed two thousand pounds and is certified by the directors of the company to have been made in accordance with any practice adopted or about to be adopted by the company with respect to loans to its employees.

(3) The provisions of subsection (1) of this section with respect to the remuneration paid to directors shall not apply in relation to a managing director of the company, and in the case of any other director who holds any salaried employment or office in the company there shall not be required to be included in the said total amount any sums paid to him except sums paid by way of directors' fees.

(4) If in the case of any such accounts as aforesaid the requirements of this section are not complied with, it shall be the duty of the auditors of the company by whom the accounts are examined to include in their report on the balance sheet of the company, so far as they are reasonably able to do so, a statement giving the required particulars.

(5) In this section the expression "emoluments" includes fees, percentages and other payments made or consideration given, directly or indirectly, to a director as such, and the money value of any allowances or perquisites belonging to his office.

Signing of balance sheet.

129.—(1) Every balance sheet of a company shall be signed on behalf of the board by two of the directors of the company, or, if there is only one director, by that director, and the auditors' report shall be attached to the balance sheet, and the report shall be read before the company in general meeting, and shall be open to inspection by any member.

PART IV. —*cont.*

(2) In the case of a banking company registered after the fifteenth day of August, eighteen hundred and seventy-nine, the balance sheet must be signed by the secretary or manager, if any, and where there are more than three directors of the company by at least three of those directors, and where there are not more than three directors by all the directors.

(3) If any copy of a balance sheet which has not been signed as required by this section is issued, circulated, or published, or if any copy of a balance sheet is issued, circulated, or published without having a copy of the auditors' report attached thereto, the company, and every director, manager, secretary, or other officer of the company who is knowingly a party to the default, shall on conviction be liable to a fine not exceeding fifty pounds.

Right to receive copies of balance sheets and auditors' report.

130.—(1) In the case of a company not being a private company—

(*a*) a copy of every balance sheet, including every document required by law to be annexed thereto, which is to be laid before the company in general meeting, together with a copy of the auditors' report, shall, not less than seven days before the date of the meeting, be sent to all persons entitled to receive notices of general meetings of the company;

(*b*) any member of the company, whether he is or is not entitled to have sent to him copies of the company's balance sheets, and any holder of debentures of the company, shall be entitled to be furnished on demand without charge with a copy of the last balance sheet of the company, including every document required by law to be annexed thereto, together with a copy of the auditors' report on the balance sheet.

If default is made in complying with paragraph (*a*) of this subsection, the company and every officer of the company who is in default shall be liable to a fine not exceeding twenty pounds, and if, where any person makes a demand for a document with which he is by virtue of paragraph (*b*) of this subsection entitled to be furnished, default is made in complying with the demand within seven days after the making thereof, the company and every director, manager, secretary or other officer of

PART IV. —*cont.*

the company who is knowingly a party to the default shall be liable to a fine not exceeding five pounds for every day during which the default continues, unless it is proved that that person has already made a demand for and been furnished with a copy of the document.

(2) In the case of a company being a private company, any member shall be entitled to be furnished, within seven days after he has made a request in that behalf to the company, with a copy of the balance sheet and auditors' report at a charge not exceeding sixpence for every hundred words.

If default is made in furnishing such a copy to any member who demands it and tenders to the company the amount of the proper charge therefor, the company and every officer of the company who is in default shall be liable to a default fine.

Banking and certain other companies to publish periodical statement.

131.—(1) Every company, being a limited banking company or an insurance company or a deposit, provident, or benefit society, shall, before it commences business, and also on the first Monday in February and the first Tuesday in August in every year during which it carries on business, make a statement in the form set out in the Seventh Schedule to this Act, or as near thereto as circumstances admit.

(2) A copy of the statement shall be put up in a conspicuous place in the registered office of the company, and in every branch office or place where the business of the company is carried on.

(3) Every member and every creditor of the company shall be entitled to a copy of the statement, on payment of a sum not exceeding sixpence.

(4) If default is made in complying with this section, the company and every director and manager of the company who knowingly and wilfully authorises or permits the default shall be liable to a fine not exceeding five pounds for every day during which the default continues.

(5) For the purposes of this Act a company which carries on the business of insurance in common with any other business or businesses shall be deemed to be an insurance company.

(6) This section shall not apply to any assurance company to which the provisions of the Assurance Companies Act, 1909, as to the accounts and balance

9 Edw. 7. c. 49.

PART IV. —*cont.*

sheet to be prepared annually and deposited by such a company apply, if the company complies with those provisions.

Appointment and remuneration of auditors.

132.—(1) Every company shall at each annual general meeting appoint an auditor or auditors to hold office until the next annual general meeting.

(2) If an appointment of auditors is not made at an annual general meeting, the Board of Trade may, on the application of any member of the company, appoint an auditor of the company for the current year.

(3) A person, other than a retiring auditor, shall not be capable of being appointed auditor at an annual general meeting unless notice of an intention to nominate that person to the office of auditor has been given by a member to the company not less than fourteen days before the annual general meeting, and the company shall send a copy of any such notice to the retiring auditor, and shall give notice thereof to the members, either by advertisement or in any other mode allowed by the articles, not less than seven days before the annual general meeting:

Provided that if, after notice of the intention to nominate an auditor has been so given, an annual general meeting is called for a date fourteen days or less after the notice has been given, the notice, though not given within the time required by this subsection, shall be deemed to have been properly given for the purposes thereof, and the notice to be sent or given by the company may, instead of being sent or given within the time required by this subsection, be sent or given at the same time as the notice of the annual general meeting.

(4) Subject as hereinafter provided, the first auditors of the company may be appointed by the directors at any time before the first annual general meeting, and auditors so appointed shall hold office until that meeting:

Provided that—

(*a*) the company may at a general meeting of which notice has been served on the auditors in the same manner as on members of the company remove any such auditors and appoint in their place any other persons being

persons who have been nominated for appointment by any member of the company and of whose nomination notice has been given to the members of the company not less than seven days before the date of the meeting; and

(*b*) if the directors fail to exercise their powers under this subsection, the company in general meeting may appoint the first auditors, and thereupon the said powers of the directors shall cease.

(5) The directors may fill any casual vacancy in the office of auditor, but while any such vacancy continues the surviving or continuing auditor or auditors, if any, may act.

(6) The remuneration of the auditors of a company shall be fixed by the company in general meeting, except that the remuneration of an auditor appointed before the first annual general meeting, or of an auditor appointed to fill a casual vacancy, may be fixed by the directors, and that the remuneration of an auditor appointed by the Board of Trade may be fixed by the Board.

Disqualification for appointment as auditor.

133.—(1) None of the following persons shall be qualified for appointment as auditor of a company—

(*a*) a director or officer of the company;

(*b*) except where the company is a private company, a person who is a partner of or in the employment of an officer of the company;

(*c*) a body corporate.

(2) Nothing in this section shall disqualify a body corporate from acting as auditor of a company if acting under an appointment made before the third day of August, nineteen hundred and twenty-eight, but subject as aforesaid any body corporate which acts as auditor of a company shall be liable to a fine not exceeding one hundred pounds.

(3) In the application of this section to Scotland the expression "body corporate" does not include a firm.

PART IV. —*cont.* Auditors' report and auditors' right of access to books and right to attend general meetings.

134.—(1) The auditors shall make a report to the members on the accounts examined by them, and on every balance sheet laid before the company in general meeting during their tenure of office, and the report shall state—

(*a*) whether or not they have obtained all the information and explanations they have required; and

(*b*) whether, in their opinion, the balance sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of the company's affairs according to the best of their information and the explanations given to them, and as shown by the books of the company.

(2) Every auditor of a company shall have a right of access at all times to the books and accounts and vouchers of the company, and shall be entitled to require from the directors and officers of the company such information and explanation as may be necessary for the performance of the duties of the auditors:

Provided that, in the case of a banking company which was registered after the fifteenth day of August, eighteen hundred and seventy-nine, and which has branch banks beyond the limits of Europe, it shall be sufficient if the auditor is allowed access to such copies and extracts from such books and accounts of any such branch as have been transmitted to the head office of the company in Great Britain.

(3) The auditors of a company shall be entitled to attend any general meeting of the company at which any accounts which have been examined or reported on by them are to be laid before the company and to make any statement or explanation they desire with respect to the accounts.

Inspection.

Investigation of affairs of company by Board of Trade inspectors.

135.—(1) The Board of Trade may appoint one or more competent inspectors to investigate the affairs of a company and to report thereon in such manner as the Board direct—

(*a*) In the case of a banking company having a share capital, on the application of members

holding not less than one-third of the shares issued:

(*b*) In the case of any other company having a share capital, on the application of members holding not less than one-tenth of the shares issued:

(*c*) In the case of a company not having a share capital, on the application of not less than one-fifth in number of the persons on the company's register of members.

(2) The application shall be supported by such evidence as the Board of Trade may require for the purpose of showing that the applicants have good reason for, and are not actuated by malicious motives in, requiring the investigation, and the Board may, before appointing an inspector, require the applicants to give security, to an amount not exceeding one hundred pounds, for payment of the costs of the inquiry.

(3) It shall be the duty of all officers and agents of the company to produce to the inspectors all books and documents in their custody or power.

(4) An inspector may examine on oath the officers and agents of the company in relation to its business, and may administer an oath accordingly.

(5) If any officer or agent of the company refuses to produce to the inspectors any book or document which it is his duty under this section so to produce, or refuses to answer any question which is put to him by the inspectors with respect to the affairs of the company, the inspectors may certify the refusal under their hand to the court, and the court may thereupon enquire into the case, and after hearing any witnesses who may be produced against or on behalf of the alleged offender and after hearing any statement which may be offered in defence, punish the offender in like manner as if he had been guilty of contempt of the court.

(6) On the conclusion of the investigation the inspectors shall report their opinion to the Board of Trade, and a copy of the report shall be forwarded by the Board to the registered office of the company, and a further copy shall, at the request of the applicants for the investigation, be delivered to them.

The report shall be written or printed, as the Board direct.

PART IV. —*cont.* Proceedings on report by inspectors.

136.—(1) If from any report made under the last foregoing section it appears to the Board of Trade that any person has been guilty of any offence in relation to the company for which he is criminally liable the Board shall proceed as follows :—

(i) in the case of an offence in England, if it appears to the Board that the case is one in which the prosecution ought to be undertaken by the Director of Public Prosecutions, the Board shall refer the matter to him;

(ii) in the case of an offence in Scotland the Board shall refer the matter to the Lord Advocate.

(2) If where any matter is referred to the Director of Public Prosecutions under this section he considers that the case is one in which a prosecution ought to be instituted and, further, that it is desirable in the public interest that the proceedings in the prosecution should be conducted by him, he shall institute proceedings accordingly, and it shall be the duty of all officers and agents of the company, past and present (other than the defendant in the proceedings), to give to him all assistance in connection with the prosecution which they are reasonably able to give.

For the purposes of this subsection, the expression " agents " in relation to a company shall be deemed to include the bankers and solicitors of the company and any persons employed by the company as auditors, whether those persons are or are not officers of the company.

(3) The expenses of and incidental to an investigation under the last preceding section of this Act (in this subsection referred to as " the expenses ") shall be defrayed as follows :—

(*a*) Where as a result of the investigation a prosecution is instituted by the Director of Public Prosecutions or by or on behalf of the Lord Advocate, the expenses shall be defrayed by the Board of Trade;

(*b*) In any other case the expenses shall be defrayed by the company unless the Board of Trade think proper to direct, as the Board are hereby authorised to do, that they shall either be paid

by the applicants or in part by the company and in part by the applicants:

Provided that—

(i) if the company fails to pay the whole or any part of the sum which it is liable to pay under this subsection, the applicants shall make good the deficiency up to the amount by which the security given by them under the last preceding section exceeds the amount, if any, which they have under this subsection been directed by the Board to pay; and

(ii) any balance of the expenses not defrayed either by the company or the applicants shall be defrayed by the Board.

(4) Subsection (3) of section thirteen of the Economy (Miscellaneous Provisions) Act, 1926 (which provides for the issue out of the Bankruptcy and Companies Winding-up (Fees) Account of sums towards meeting the charges estimated by the Board of Trade in respect of salaries and expenses under this Act in relation to the winding-up of companies in England) shall have effect as if expenses to be defrayed by the Board under this section were expenses incurred by the Board under this Act in relation to the winding-up of companies in England. 16 & 17 Geo. 5. c. 9.

137.—(1) A company may by special resolution appoint inspectors to investigate its affairs. Power of company to appoint inspectors.

(2) Inspectors so appointed shall have the same powers and duties as inspectors appointed by the Board of Trade, except that, instead of reporting to the Board, they shall report in such manner and to such persons as the company in general meeting may direct.

(3) If any officer or agent of the company refuses to produce to the inspectors any book or document which it is his duty under this section so to produce, or refuses to answer any question which is put to him by the inspectors with respect to the affairs of the company, he shall be liable to be proceeded against in the same manner as if the inspectors had been inspectors appointed by the Board of Trade.

PART IV. —*cont.*

Report of inspectors to be evidence.

138. A copy of the report of any inspectors appointed under this Act, authenticated by the seal of the company whose affairs they have investigated, shall be admissible in any legal proceeding as evidence of the opinion of the inspectors in relation to any matter contained in the report.

Directors and Managers.

Number of directors.

139.—(1) Every company registered after the commencement of this Act shall have at least two directors.

(2) This section shall not apply to a private company.

Restrictions on appointment or advertisement of director.

140.—(1) A person shall not be capable of being appointed director of a company by the articles, and shall not be named as a director or proposed director of a company in a prospectus issued by or on behalf of the company, or as proposed director of an intended company in a prospectus issued in relation to that intended company, or in a statement in lieu of prospectus delivered to the registrar by or on behalf of a company, unless, before the registration of the articles or the publication of the prospectus, or the delivery of the statement in lieu of prospectus, as the case may be, he has by himself or by his agent authorised in writing—

(*a*) signed and delivered to the registrar of companies for registration a consent in writing to act as such director; and

(*b*) either—

(i) signed the memorandum for a number of shares not less than his qualification, if any; or

(ii) taken from the company and paid or agreed to pay for his qualification shares, if any; or

(iii) signed and delivered to the registrar for registration an undertaking in writing to take from the company and pay for his qualification shares, if any; or

(iv) made and delivered to the registrar for registration a statutory declaration to the effect that a number of shares, not less than his qualification, if any, are registered in his name.

(2) Where a person has signed and delivered as aforesaid an undertaking to take and pay for his qualification shares, he shall, as regards those shares, be in the same position as if he had signed the memorandum for that number of shares.

(3) On the application for registration of the memorandum and articles of a company the applicant shall deliver to the registrar a list of the persons who have consented to be directors of the company, and, if this list contains the name of any person who has not so consented, the applicant shall be liable to a fine not exceeding fifty pounds.

(4) This section shall not apply to—

(*a*) a company not having a share capital; or

(*b*) a private company; or

(*c*) a company which was a private company before becoming a public company; or

(*d*) a prospectus issued by or on behalf of a company after the expiration of one year from the date on which the company was entitled to commence business.

Qualification of director or manager.

141.—(1) Without prejudice to the restrictions imposed by the last foregoing section, it shall be the duty of every director who is by the articles of the company required to hold a specified share qualification, and who is not already qualified, to obtain his qualification within two months after his appointment, or such shorter time as may be fixed by the articles.

(2) For the purpose of any provision in the articles requiring a director or manager to hold a specified share qualification, the bearer of a share warrant shall not be deemed to be the holder of the shares specified in the warrant.

(3) The office of director of a company shall be vacated if the director does not within two months from the date of his appointment, or within such shorter time as may be fixed by the articles, obtain his qualification, or if after the expiration of the said period or shorter time he ceases at any time to hold his qualification.

(4) A person vacating office under this section shall be incapable of being re-appointed director of the company until he has obtained his qualification.

PART IV. —*cont.*

(5) If after the expiration of the said period or shorter time any unqualified person acts as a director of the company, he shall be liable to a fine not exceeding five pounds for every day between the expiration of the said period or shorter time or the day on which he ceased to be qualified, as the case may be, and the last day on which it is proved that he acted as a director.

Provisions as to undischarged bankrupts acting as directors.

142.—(1) If any person being an undischarged bankrupt acts as director of, or directly or indirectly takes part in or is concerned in the management of, any company except with the leave of the court by which he was adjudged bankrupt, he shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, or on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred pounds, or to both such imprisonment and fine:

Provided that a person shall not be guilty of an offence under this section by reason that he, being an undischarged bankrupt, has acted as director of, or taken part or been concerned in the management of, a company, if he was on the third day of August, nineteen hundred and twenty-eight, acting as director of, or taking part or being concerned in the management of, that company and has continuously so acted, taken part, or been concerned since that date and the bankruptcy was prior to that date.

(2) In England the leave of the court for the purposes of this section shall not be given unless notice of intention to apply therefor has been served on the official receiver and it shall be the duty of the official receiver, if he is of opinion that it is contrary to the public interest that any such application should be granted, to attend on the hearing of and oppose the granting of the application.

(3) In this section the expression "company" includes an unregistered company and a company incorporated outside Great Britain which has an established place of business within Great Britain, and the expression "official receiver" means the official receiver in bankruptcy.

(4) Subsection (1) of this section in its application to Scotland shall have effect as if the words "sequestra-

tion of his estates was awarded" were substituted for the words "he was adjudged bankrupt." PART IV. —*cont.*

143. The acts of a director or manager shall be valid notwithstanding any defect that may afterwards be discovered in his appointment or qualification. Validity of acts of directors.

144.—(1) Every company shall keep at its registered office a register of its directors or managers containing with respect to each of them the following particulars, that is to say— Register of directors.

(*a*) in the case of an individual, his present christian name and surname, any former christian name or surname, his usual residential address, his nationality, and, if that nationality is not the nationality of origin, his nationality of origin, and his business occupation, if any, or, if he has no business occupation but holds any other directorship or directorships, particulars of that directorship or of some one of those directorships; and

(*b*) in the case of a corporation, its corporate name and registered or principal office.

(2) The company shall, within the periods respectively mentioned in this subsection, send to the registrar of companies a return in the prescribed form containing the particulars specified in the said register and a notification in the prescribed form of any change among its directors or in any of the particulars contained in the register.

The period within which the said return is to be sent shall be a period of fourteen days from the appointment of the first directors of the company, and the period within which the said notification of a change is to be sent shall be fourteen days from the happening thereof.

(3) The register to be kept under this section shall during business hours (subject to such reasonable restrictions as the company may by its articles or in general meeting impose, so that not less than two hours in each day be allowed for inspection) be open to the inspection of any member of the company without charge and of any other person on payment of one shilling, or such less sum as the company may prescribe, for each inspection.

PART IV. —*cont.*

(4) If any inspection required under this section is refused or if default is made in complying with subsection (1) or subsection (2) of this section, the company and every officer of the company who is in default shall be liable to a default fine.

(5) In the case of any such refusal, the court may by order compel an immediate inspection of the register.

(6) For the purposes of this section, a person in accordance with whose directions or instructions the directors of a company are accustomed to act shall be deemed to be a director and officer of the company.

Particulars with respect to directors in trade catalogues, circulars, &c.

145.—(1) Every company to which this section applies shall, in all trade catalogues, trade circulars, showcards and business letters on or in which the company's name appears and which are issued or sent by the company to any person in any part of His Majesty's dominions, state in legible characters with respect to every director being a corporation, the corporate name, and with respect to every director being an individual, the following particulars—

(*a*) his present christian name, or the initials thereof, and present surname;

(*b*) any former christian names and surnames;

(*c*) his nationality, if not British;

(*d*) his nationality of origin, if his nationality is not the nationality of origin:

Provided that, if special circumstances exist which render it in the opinion of the Board of Trade expedient that such an exemption should be granted, the Board may by order grant, subject to such conditions as may be specified in the order, exemption from the obligations imposed by this subsection.

(2) This section shall apply to—

(*a*) every company registered under this Act or the Acts repealed by this Act unless it was registered before the twenty-third day of November, nineteen hundred and sixteen; and

(*b*) every company incorporated outside Great Britain which has an established place of business within Great Britain, unless it had established such a place of business before the said date; and

17 & 18 Geo. 5. c. 21.

(*c*) every company licensed under the Moneylenders Act, 1927, whenever it was registered or whenever it established a place of business.

Part IV. —*cont.*

(3) If a company makes default in complying with this section, every director of the company shall be liable on summary conviction for each offence to a fine not exceeding five pounds, and, in the case of a director being a corporation, every director, secretary and officer of the corporation, who is knowingly a party to the default, shall be liable to a like penalty:

Provided that in England no proceedings shall be instituted under this section except by, or with the consent of, the Board of Trade.

(4) For the purposes of this section—

(*a*) the expression "director" includes any person in accordance with whose directions or instructions the directors of the company are accustomed to act;

(*b*) the expression "christian name" includes a forename;

(*c*) the expression "initials" includes a recognised abbreviation of a christian name;

(*d*) in the case of a peer or person usually known by a title different from his surname, the expression "surname" means that title;

(*e*) references to a former christian name or surname do not include—

(i) in the case of a peer or a person usually known by a British title different from his surname, the name by which he was known previous to the adoption of or succession to the title; or

(ii) in the case of natural born British subjects, a former christian name or surname where that name or surname was changed or disused before the person bearing the name attained the age of eighteen years; or

(iii) in the case of a married woman, the name or surname by which she was known previous to the marriage;

(*f*) the expression "showcards" means cards containing or exhibiting articles dealt with, or samples or representations thereof.

PART IV. —*cont.*

Limited company may have directors with unlimited liability.

146.—(1) In a limited company the liability of the directors or managers, or of the managing director, may, if so provided by the memorandum, be unlimited.

(2) In a limited company in which the liability of a director or manager is unlimited, the directors or managers of the company, if any, and the member who proposes a person for election or appointment to the office of director or manager, shall add to that proposal a statement that the liability of the person holding that office will be unlimited, and the promoters, directors, managers, and secretary, if any, of the company, or one of them, shall, before the person accepts the office or acts therein, give him notice in writing that his liability will be unlimited.

(3) If any director, manager, or proposer makes default in adding such a statement, or if any promoter, director, manager, or secretary makes default in giving such a notice, he shall be liable to a fine not exceeding one hundred pounds, and shall also be liable for any damage which the person so elected or appointed may sustain from the default, but the liability of the person elected or appointed shall not be affected by the default.

Special resolution of limited company making liability of directors unlimited.

147.—(1) A limited company, if so authorised by its articles, may, by special resolution, alter its memorandum so as to render unlimited the liability of its directors, or managers, or of any managing director.

(2) Upon the passing of any such special resolution the provisions thereof shall be as valid as if they had been originally contained in the memorandum.

Statement as to remuneration of directors to be furnished to shareholders.

148.—(1) Subject as hereinafter provided, the directors of a company shall, on a demand in that behalf made to them in writing by members of the company entitled to not less than one-fourth of the aggregate number of votes to which all the members of the company are together entitled, furnish to all the members of the company within a period of one month from the receipt of the demand a statement, certified as correct, or with such qualifications as may be necessary, by the auditors of the company, showing as respects each of the last three preceding years in respect of which the accounts of the company have been made up the aggregate amount received in

that year by way of remuneration or other emoluments by persons being directors of the company, whether as such directors or otherwise in connection with the management of the affairs of the company, and there shall, in respect of any such director who is—

(*a*) a director of any other company which is in relation to the first-mentioned company a subsidiary company; or

(*b*) by virtue of the nomination, whether direct or indirect, of the company a director of any other company;

be included in the said aggregate amount any remuneration or other emoluments received by him for his own use whether as a director of, or otherwise in connection with the management of the affairs of, that other company:

Provided that—

(i) a demand for a statement under this section shall be of no effect if the company within one month after the date on which the demand is made resolve that the statement shall not be furnished; and

(ii) it shall be sufficient to state the total aggregate of all sums paid to or other emoluments received by all the directors in each year without specifying the amount received by any individual.

(2) In computing for the purpose of this section the amount of any remuneration or emoluments received by any director, the amount actually received by him shall, if the company has paid on his behalf any sum by way of income tax (including super-tax and sur-tax) in respect of the remuneration or emoluments, be increased by the amount of the sum so paid.

(3) If any director fails to comply with the requirements of this section, he shall be liable to a fine not exceeding fifty pounds.

(4) In this section the expression "emoluments" includes fees, percentages and other payments made or consideration given, directly or indirectly, to a director as such, and the money value of any allowances or perquisites belonging to his office.

PART IV. —*cont.*

Disclosure by directors of interest in contracts.

149.—(1) Subject to the provisions of this section, it shall be the duty of a director of a company who is in any way, whether directly or indirectly, interested in a contract or proposed contract with the company to declare the nature of his interest at a meeting of the directors of the company.

(2) In the case of a proposed contract the declaration required by this section to be made by a director shall be made at the meeting of the directors at which the question of entering into the contract is first taken into consideration, or if the director was not at the date of that meeting interested in the proposed contract, at the next meeting of the directors held after he became so interested, and in a case where the director becomes interested in a contract after it is made, the said declaration shall be made at the first meeting of the directors held after the director becomes so interested.

(3) For the purpose of this section, a general notice given to the directors of a company by a director to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which may, after the date of the notice, be made with that company or firm shall be deemed to be a sufficient declaration of interest in relation to any contract so made.

(4) Any director who fails to comply with the provisions of this section shall be liable to a fine not exceeding one hundred pounds.

(5) Nothing in this section shall be taken to prejudice the operation of any rule of law restricting directors of a company from having any interest in contracts with the company.

Provision as to payments received by directors for loss of office or on retirement.

150.—(1) It is hereby declared that it is not lawful in connection with the transfer of the whole or any part of the undertaking or property of a company for any payment to be made to any director of the company by way of compensation for loss of office, or as consideration for or in connection with his retirement from office, unless particulars with respect to the proposed payment, including the amount thereof, have been disclosed to the members of the company and the proposal approved by the company.

(2) Where a payment which is hereby declared to be illegal is made to a director of the company, the amount received shall be deemed to have been received by him in trust for the company.

(3) Where a payment is to be made as aforesaid to a director of a company in connection with the transfer to any persons, as a result of an offer made to the general body of shareholders, of all or any of the shares in the company, it shall be the duty of that director to take all reasonable steps to secure that particulars with respect to the proposed payment, including the amount thereof, shall be included in or sent with any notice of the offer made for their shares which is given to any shareholders.

(4) If any such director fails to take reasonable steps as aforesaid, or if any person who has been properly required by any such director to include the said particulars in or send them with any such notice fails so to do, he shall be liable to a fine not exceeding twenty-five pounds, and if the requirements of the last foregoing subsection are not complied with in relation to any such payment as is mentioned in the said subsection, any sum received by the director on account of the payment shall be deemed to have been received by him in trust for any persons who have sold their shares as a result of the offer made.

(5) If in connection with any such transfer as aforesaid the price to be paid to a director of the company whose office is to be abolished or who is to retire from office for any shares in the company held by him is in excess of the price which could at the time have been obtained by other holders of the like shares or any valuable consideration is given to any such director, the excess or the money value of the consideration, as the case may be, shall, for the purposes of this section, be deemed to have been a payment made to him by way of compensation for loss of office or as consideration for or in connection with his retirement from office.

(6) Nothing in this section shall be taken to prejudice the operation of any rule of law requiring disclosure to be made with respect to any such payments as are mentioned in this section or with respect to any other like payments made or to be made to the directors of a company.

PART IV. —*cont.*

Provisions as to assignment of office by directors.

151. If in the case of any company provision is made by the articles or by any agreement entered into between any person and the company for empowering a director or manager of the company to assign his office as such to another person, any assignment of office made in pursuance of the said provision shall, notwithstanding anything to the contrary contained in the said provision, be of no effect unless and until it is approved by a special resolution of the company.

Avoidance of Provisions in Articles or Contracts relieving Officers from Liability.

Provisions as to liability of officers and auditors.

152. Subject as hereinafter provided, any provision, whether contained in the articles of a company or in any contract with a company or otherwise, for exempting any director, manager or officer of the company, or any person (whether an officer of the company or not) employed by the company as auditor from, or indemnifying him against, any liability which by virtue of any rule of law would otherwise attach to him in respect of any negligence, default, breach of duty or breach of trust of which he may be guilty in relation to the company shall be void:

Provided that—

(*a*) in relation to any such provision which is in force at the date of the commencement of this Act, this section shall have effect only on the expiration of a period of six months from that date; and

(*b*) nothing in this section shall operate to deprive any person of any exemption or right to be indemnified in respect of anything done or omitted to be done by him while any such provision was in force; and

(*c*) notwithstanding anything in this section, a company may, in pursuance of any such provision as aforesaid, indemnify any such director, manager, officer or auditor against any liability incurred by him in defending any proceedings, whether civil or criminal, in which judgment is given in his favour or in which he is acquitted or in connection with any application under section three hundred and seventy-two of this Act in which relief is granted to him by the court.

Arrangements and Reconstructions.

PART IV. —*cont.*

Power to compromise with creditors and members.

153.—(1) Where a compromise or arrangement is proposed between a company and its creditors or any class of them, or between the company and its members or any class of them, the court may, on the application in a summary way of the company or of any creditor or member of the company, or, in the case of a company being wound up, of the liquidator, order a meeting of the creditors or class of creditors, or of the members of the company or class of members, as the case may be, to be summoned in such manner as the court directs.

(2) If a majority in number representing three-fourths in value of the creditors or class of creditors, or members or class of members, as the case may be, present and voting either in person or by proxy at the meeting, agree to any compromise or arrangement, the compromise or arrangement shall, if sanctioned by the court, be binding on all the creditors or the class of creditors, or on the members or class of members, as the case may be, and also on the company or, in the case of a company in the course of being wound up, on the liquidator and contributories of the company.

(3) An order made under subsection (2) of this section shall have no effect until an office copy of the order has been delivered to the registrar of companies for registration, and a copy of every such order shall be annexed to every copy of the memorandum of the company issued after the order has been made, or, in the case of a company not having a memorandum, of every copy so issued of the instrument constituting or defining the constitution of the company.

(4) If a company makes default in complying with subsection (3) of this section, the company and every officer of the company who is in default shall be liable to a fine not exceeding one pound for each copy in respect of which default is made.

(5) In this section the expression "company" means any company liable to be wound up under this Act, and the expression "arrangement" includes a re-organisation of the share capital of the company by the consolidation of shares of different classes or by the

PART IV. —*cont.*

division of shares into shares of different classes or by both those methods.

Provisions for facilitating reconstruction and amalgamation of companies.

154.—(1) Where an application is made to the court under the last foregoing section of this Act for the sanctioning of a compromise or arrangement proposed between a company and any such persons as are mentioned in that section, and it is shown to the court that the compromise or arrangement has been proposed for the purposes of or in connection with a scheme for the reconstruction of any company or companies or the amalgamation of any two or more companies, and that under the scheme the whole or any part of the undertaking or the property of any company concerned in the scheme (in this section referred to as "a transferor company") is to be transferred to another company (in this section referred to as "the transferee company"), the court may, either by the order sanctioning the compromise or arrangement or by any subsequent order, make provision for all or any of the following matters:—

(*a*) the transfer to the transferee company of the whole or any part of the undertaking and of the property or liabilities of any transferor company;

(*b*) the allotting or appropriation by the transferee company of any shares, debentures, policies, or other like interests in that company which under the compromise or arrangement are to be allotted or appropriated by that company to or for any person;

(*c*) the continuation by or against the transferee company of any legal proceedings pending by or against any transferor company;

(*d*) the dissolution, without winding up, of any transferor company;

(*e*) the provision to be made for any persons, who within such time and in such manner as the court direct, dissent from the compromise or arrangement;

(*f*) such incidental, consequential and supplemental matters as are necessary to secure that the reconstruction or amalgamation shall be fully and effectively carried out.

PART IV. —*cont.*

(2) Where an order under this section provides for the transfer of property or liabilities, that property shall, by virtue of the order, be transferred to and vest in, and those liabilities shall, by virtue of the order, be transferred to and become the liabilities of, the transferee company, and in the case of any property, if the order so directs, freed from any charge which is by virtue of the compromise or arrangement to cease to have effect.

(3) Where an order is made under this section, every company in relation to which the order is made shall cause an office copy thereof to be delivered to the registrar of companies for registration within seven days after the making of the order, and if default is made in complying with this subsection, the company and every officer of the company who is in default shall be liable to a default fine.

(4) In this section the expression "property" includes property, rights and powers of every description, and the expression "liabilities" includes duties.

(5) Notwithstanding the provisions of subsection (5) of the last foregoing section, the expression "company" in this section does not include any company other than a company within the meaning of this Act.

Power to acquire shares of shareholders dissenting from scheme or contract approved by majority.

155.—(1) Where a scheme or contract involving the transfer of shares or any class of shares in a company (in this section referred to as "the transferor company") to another company, whether a company within the meaning of this Act or not (in this section referred to as "the transferee company"), has within four months after the making of the offer in that behalf by the transferee company been approved by the holders of not less than nine-tenths in value of the shares affected, the transferee company may, at any time within two months after the expiration of the said four months, give notice in the prescribed manner to any dissenting shareholder that it desires to acquire his shares, and where such a notice is given the transferee company shall, unless on an application made by the dissenting shareholder within one month from the date on which the notice was given the court thinks fit to order otherwise, be entitled and bound to acquire those shares on the terms on which under the scheme or contract the

PART IV. —*cont.*

shares of the approving shareholders are to be transferred to the transferee company:

Provided that, where any such scheme or contract has been so approved at any time before the commencement of this Act, the court may by order, on an application made to it by the transferee company within two months after the commencement of this Act, authorise notice to be given under this section at any time within fourteen days after the making of the order, and this section shall apply accordingly, except that the terms on which the shares of the dissenting shareholder are to be acquired shall be such terms as the court may by the order direct instead of the terms provided by the scheme or contract.

(2) Where a notice has been given by the transferee company under this section and the court has not, on an application made by the dissenting shareholder, ordered to the contrary, the transferee company shall, on the expiration of one month from the date on which the notice has been given, or, if an application to the court by the dissenting shareholder is then pending, after that application has been disposed of, transmit a copy of the notice to the transferor company and pay or transfer to the transferor company the amount or other consideration representing the price payable by the transferee company for the shares which by virtue of this section that company is entitled to acquire, and the transferor company shall thereupon register the transferee company as the holder of those shares.

(3) Any sums received by the transferor company under this section shall be paid into a separate bank account, and any such sums and any other consideration so received shall be held by that company on trust for the several persons entitled to the shares in respect of which the said sums or other consideration were respectively received.

(4) In this section the expression "dissenting shareholder" includes a shareholder who has not assented to the scheme or contract and any shareholder who has failed or refused to transfer his shares to the transferee company in accordance with the scheme or contract.

PART V.

WINDING UP.

(i) PRELIMINARY.

Modes of Winding Up.

Modes of winding up.

156.—(1) The winding up of a company may be either—

(*a*) by the court; or

(*b*) voluntary; or

(*c*) subject to the supervision of the court.

(2) The provisions of this Act with respect to winding up apply, unless the contrary appears, to the winding up of a company in any of those modes.

Contributories.

Liability as contributories of present and past members.

157.—(1) In the event of a company being wound up, every present and past member shall be liable to contribute to the assets of the company to an amount sufficient for payment of its debts and liabilities, and the costs, charges, and expenses of the winding up, and for the adjustment of the rights of the contributories among themselves, subject to the provisions of subsection (2) of this section and the following qualifications:—

(*a*) a past member shall not be liable to contribute if he has ceased to be a member for one year or upwards before the commencement of the winding up:

(*b*) a past member shall not be liable to contribute in respect of any debt or liability of the company contracted after he ceased to be a member:

(*c*) a past member shall not be liable to contribute unless it appears to the court that the existing members are unable to satisfy the contributions required to be made by them in pursuance of this Act:

(*d*) in the case of a company limited by shares no contribution shall be required from any member exceeding the amount, if any, unpaid on the shares in respect of which he is liable as a present or past member:

PART V. —*cont.*

(*e*) in the case of a company limited by guarantee, no contribution shall, subject to the provisions of subsection (3) of this section, be required from any member exceeding the amount undertaken to be contributed by him to the assets of the company in the event of its being wound up:

(*f*) nothing in this Act shall invalidate any provision contained in any policy of insurance or other contract whereby the liability of individual members on the policy or contract is restricted, or whereby the funds of the company are alone made liable in respect of the policy or contract:

(*g*) a sum due to any member of a company, in his character of a member, by way of dividends, profits or otherwise, shall not be deemed to be a debt of the company, payable to that member in a case of competition between himself and any other creditor not a member of the company, but any such sum may be taken into account for the purpose of the final adjustment of the rights of the contributories among themselves.

(2) In the winding up of a limited company, any director or manager, whether past or present, whose liability is, under the provisions of this Act, unlimited, shall, in addition to his liability (if any) to contribute as an ordinary member, be liable to make a further contribution as if he were at the commencement of the winding up a member of an unlimited company:

Provided that—

(*a*) a past director or manager shall not be liable to make such further contribution if he has ceased to hold office for a year or upwards before the commencement of the winding up:

(*b*) a past director or manager shall not be liable to make such further contribution in respect of any debt or liability of the company contracted after he ceased to hold office:

(*c*) subject to the articles of the company, a director or manager shall not be liable to make such further contribution unless the court deems it necessary to require that contribution in order to satisfy the debts and liabilities of the company, and the costs, charges, and expenses of the winding up.

PART V. —*cont.*

(3) In the winding up of a company limited by guarantee which has a share capital, every member of the company shall be liable, in addition to the amount undertaken to be contributed by him to the assets of the company in the event of its being wound up, to contribute to the extent of any sums unpaid on any shares held by him.

Definition of contributory.

158. The term " contributory " means every person liable to contribute to the assets of a company in the event of its being wound up, and for the purposes of all proceedings for determining, and all proceedings prior to the final determination of, the persons who are to be deemed contributories, includes any person alleged to be a contributory.

Nature of liability of contributory.

159. The liability of a contributory shall create a debt (in England of the nature of a specialty) accruing due from him at the time when his liability commenced, but payable at the times when calls are made for enforcing the liability.

Contributories in case of death of member.

160.—(1) If a contributory dies either before or after he has been placed on the list of contributories, his personal representatives, and the heirs and legatees of heritage of his heritable estate in Scotland, shall be liable in a due course of administration to contribute to the assets of the company in discharge of his liability and shall be contributories accordingly.

(2) Where the personal representatives are placed on the list of contributories, the heirs or legatees of heritage need not be added, but they may be added as and when the court thinks fit.

(3) If in England the personal representatives make default in paying any money ordered to be paid by them, proceedings may be taken for administering the estate of the deceased contributory, and for compelling payment thereout of the money due.

Contributories in case of bankruptcy of member.

161. If a contributory becomes bankrupt, either before or after he has been placed on the list of contributories—

(1) his trustee in bankruptcy shall represent him for all the purposes of the winding-up, and shall

PART V. —*cont.*

be a contributory accordingly, and may be called on to admit to proof against the estate of the bankrupt, or otherwise to allow to be paid out of his assets in due course of law, any money due from the bankrupt in respect of his liability to contribute to the assets of the company; and

(2) there may be proved against the estate of the bankrupt the estimated value of his liability to future calls as well as calls already made.

Provision as to married women. 45 & 46 Vict. c. 75. 44 & 45 Vict. c. 21.

162.—(1) The husband of a female contributory married before the date of the commencement of the Married Women's Property Act, 1882, or the Married Women's Property (Scotland) Act, 1881, as the case may be, shall, during the continuance of the marriage, be liable, as respects any liability attaching to any shares acquired by her before that date, to contribute to the assets of the company the same sum as she would have been liable to contribute if she had not married, and he shall be a contributory accordingly.

(2) Subject as aforesaid, nothing in this Act shall affect the provisions of the Married Women's Property Act, 1882, or the Married Women's Property (Scotland) Act, 1881.

(ii) WINDING UP BY THE COURT.

Jurisdiction.

Jurisdiction to wind up companies registered in England.

163.—(1) The High Court shall have jurisdiction to wind up any company registered in England.

(2) In the case of a company whose registered office is situate within the jurisdiction of the Chancery Court of the County Palatine of Lancaster or the Chancery Court of the County Palatine of Durham, the palatine court shall have concurrent jurisdiction with the High Court to wind up the company.

(3) Where the amount of the share capital of a company paid up or credited as paid up does not exceed ten thousand pounds, the county court of the district in which the registered office of the company is situate

shall, subject to the provisions of this section, have concurrent jurisdiction with the High Court to wind up the company. PART V. —*cont.*

(4) Where a company is formed for working mines within the stannaries and is not shown to be working mines beyond the limits of the stannaries or to be engaged in any other undertaking beyond those limits, or to have entered into a contract for such working or undertaking, the court exercising the stannaries jurisdiction shall, whatever may be the amount of the capital of the company and wherever the registered office of the company is situate, have concurrent jurisdiction with the High Court to wind up the company.

(5) The Lord Chancellor may by order exclude a county court from having jurisdiction under this Act, and for the purposes of that jurisdiction may attach its district, or any part thereof, to any other county court, and may revoke or vary any such order.

In exercising his powers under this section, the Lord Chancellor shall provide that a county court shall not have jurisdiction under this Act unless it has for the time being jurisdiction in bankruptcy.

An order made under this provision shall not affect any jurisdiction or powers vested in any county court under or by virtue of the Stannaries Jurisdiction (Abolition) Act, 1896. 59 & 60 Vict. c. 45.

(6) Every court in England having jurisdiction under this Act to wind up a company shall for the purposes of that jurisdiction have all the powers of the High Court, and every prescribed officer of the court shall perform any duties which an officer of the High Court may discharge by order of the judge thereof or otherwise in relation to the winding up of a company.

(7) Nothing in this section shall invalidate a proceeding by reason of its being taken in a wrong court.

(8) For the purposes of this section, the expression "registered office" means the place which has longest been the registered office of the company during the six months immediately preceding the presentation of the petition for winding-up.

PART V. —*cont.* Conduct of winding up business in High Court in England. 15 & 16 Geo. 5. c. 49.

164.—(1) Subject to any order made under section fifty-seven or section sixty A. of the Supreme Court of Judicature (Consolidation) Act, 1925, and without prejudice to the power to make orders of transfer under that Act, the jurisdiction of the High Court to wind up companies in England under this Act shall, as the Lord Chancellor may from time to time by general order direct, be exercised either by such judge or judges of the Chancery Division of the High Court as the Lord Chancellor may assign for the purpose or by the judge or judges for the time being exercising the bankruptcy jurisdiction of the High Court.

(2) The Lord Chancellor may give directions as aforesaid either generally or with respect to any specified classes of cases.

(3) Provision may be made by general rules for regulating the exercise of the said jurisdiction of the High Court under this Act.

Transfer of proceedings from one court to another and statement of case by county court.

165.—(1) The winding up of a company by the court in England or any proceedings in the winding up may at any time and at any stage, and either with or without application from any of the parties thereto, be transferred from one court to another court, or may be retained in the court in which the proceedings were commenced, although it may not be the court in which they ought to have been commenced.

(2) The powers of transfer given by the foregoing provisions of this section may, subject to and in accordance with general rules, be exercised by the Lord Chancellor or by any judge of the High Court having jurisdiction under this Act, or, as regards any case within the jurisdiction of any other court, by the judge of that court.

(3) If any question arises in any winding up proceeding in a county court which all the parties to the proceeding, or which one of them and the judge of the court, desire to have determined in the first instance in the High Court, the judge shall state the facts in the form of a special case for the opinion of the High Court,

and thereupon the special case and the proceedings, or such of them as may be required, shall be transmitted to the High Court for the purposes of the determination. PART V. —*cont.*

Jurisdiction to wind up companies in Scotland.

166.—(1) The Court of Session shall have jurisdiction to wind up any company registered in Scotland.

(2) When the Court of Session is in vacation, the jurisdiction conferred on that court by this section may, subject to the provisions of this Act, be exercised by the Lord Ordinary on the Bills.

(3) Where the amount of the share capital of a company paid up or credited as paid up does not exceed ten thousand pounds, the sheriff court of the sheriffdom in which the registered office of the company is situate shall have concurrent jurisdiction with the Court of Session to wind up the company:

Provided that—

(*a*) it shall be lawful for the Court of Session, if it appears to the court having regard to the amount of the assets of the company expedient to do so, to remit to any sheriff court any petition presented to the Court of Session for winding up any such company, or to require any such petition presented to a sheriff court to be remitted to the Court of Session; and

(*b*) it shall be lawful for the Court of Session to require that any such petition as aforesaid presented to one sheriff court be remitted to another sheriff court; and

(*c*) in a winding up in the sheriff court it shall be lawful for the sheriff court to submit a stated case for the opinion of the Court of Session on any question of law arising in that winding up.

(4) For the purposes of this section, the expression "registered office" means the place which has longest been the registered office of the company during the six months immediately preceding the presentation of the petition for winding up.

PART V. —*cont.*

Power in Scotland to remit winding up to Lord Ordinary.

167. Where the Court of Session makes a winding-up order, it may, if it thinks fit, at any time direct all subsequent proceedings in the winding up to be taken before one of the permanent Lords Ordinary, and remit the winding up to him accordingly, and thereupon that Lord Ordinary shall, for the purposes of the winding up, have all the powers and jurisdiction of the court:

Provided that the Lord Ordinary may report to the division of the court any matter which may arise in the course of the winding up.

Cases in which Company may be wound up by Court.

Circumstances in which company may be wound up by court.

168. A company may be wound up by the court if—

(1) the company has by special resolution resolved that the company be wound up by the court:

(2) default is made in delivering the statutory report to the registrar or in holding the statutory meeting:

(3) the company does not commence its business within a year from its incorporation, or suspends its business for a whole year:

(4) the number of members is reduced, in the case of a private company, below two, or, in the case of any other company, below seven:

(5) the company is unable to pay its debts:

(6) the court is of opinion that it is just and equitable that the company should be wound up.

Definition of inability to pay debts.

169. A company shall be deemed to be unable to pay its debts—

(1) if a creditor, by assignment or otherwise, to whom the company is indebted in a sum exceeding fifty pounds then due, has served on the company, by leaving it at the registered office of the company, a demand under his hand requiring the company to pay the sum so due, and the company has for three weeks thereafter neglected to pay the sum, or to secure or compound for it to the reasonable satisfaction of the creditor; or

(2) if, in England or Northern Ireland, execution or other process issued on a judgment, decree or order of any court in favour of a creditor of the company is returned unsatisfied in whole or in part; or

(3) if, in Scotland, the induciæ of a charge for payment on an extract decree, or an extract registered bond, or an extract registered protest have expired without payment being made; or

(4) if it is proved to the satisfaction of the court that the company is unable to pay its debts, and, in determining whether a company is unable to pay its debts, the court shall take into account the contingent and prospective liabilities of the company.

Petition for Winding Up and Effects thereof.

Provisions as to applications for winding up

170.—(1) An application to the court for the winding up of a company shall be by petition, presented subject to the provisions of this section either by the company, or by any creditor or creditors (including any contingent or prospective creditor or creditors), contributory or contributories, or by all or any of those parties, together or separately:

Provided that—

(*a*) A contributory shall not be entitled to present a winding-up petition unless—

(i) either the number of members is reduced, in the case of a private company, below two, or, in the case of any other company, below seven; or

(ii) the shares in respect of which he is a contributory, or some of them, either were originally allotted to him or have been held by him, and registered in his name, for at least six months during the eighteen months before the commencement of the winding up, or have devolved on him through the death of a former holder; and

(*b*) A winding-up petition shall not, if the ground of the petition is default in delivering the

PART V. —*cont.*

statutory report to the registrar or in holding the statutory meeting, be presented by any person except a shareholder, nor before the expiration of fourteen days after the last day on which the meeting ought to have been held; and

(*c*) The court shall not give a hearing to a winding-up petition presented by a contingent or prospective creditor until such security for costs has been given as the court thinks reasonable and until a primâ facie case for winding up has been established to the satisfaction of the court.

(2) Where a company is being wound up voluntarily or subject to supervision in England, a winding-up petition may be presented by the official receiver attached to the court as well as by any other person authorised in that behalf under the other provisions of this section, but the court shall not make a winding-up order on the petition unless it is satisfied that the voluntary winding up or winding up subject to supervision cannot be continued with due regard to the interests of the creditors or contributories.

(3) Where under the provisions of this Part of this Act any person as being the husband of a female contributory is himself a contributory, and a share has during the whole or any part of the six months mentioned in proviso (*a*) (ii) to subsection (1) of this section been held by or registered in the name of the wife, or by or in the name of a trustee for the wife or for the husband, the share shall, for the purposes of this section, be deemed to have been held by and registered in the name of the husband.

Powers of court on hearing petition.

171.—(1) On hearing a winding-up petition the court may dismiss it, or adjourn the hearing conditionally or unconditionally, or make any interim order, or any other order that it thinks fit, but the court shall not refuse to make a winding-up order on the ground only that the assets of the company have been mortgaged to an amount equal to or in excess of those assets, or that the company has no assets.

(2) Where the petition is presented on the ground of default in delivering the statutory report to the

registrar or in holding the statutory meeting, the court may— PART V. —*cont.*

(*a*) instead of making a winding-up order, direct that the statutory report shall be delivered or that a meeting shall be held; and

(*b*) order the costs to be paid by any persons who, in the opinion of the court, are responsible for the default.

Power to stay or restrain proceedings against company.

172. At any time after the presentation of a winding-up petition, and before a winding-up order has been made, the company, or any creditor or contributory, may—

(*a*) where any action or proceeding against the company is pending in the High Court or Court of Appeal in England or Northern Ireland, apply to the court in which the action or proceeding is pending for a stay of proceedings therein; and

(*b*) where any other action or proceeding is pending against the company, apply to the court having jurisdiction to wind up the company to restrain further proceedings in the action or proceeding;

and the court to which application is so made may, as the case may be, stay or restrain the proceedings accordingly on such terms as it thinks fit.

Avoidance of dispositions of property, &c. after commencement of winding up.

173. In a winding up by the court, any disposition of the property of the company, including things in action, and any transfer of shares, or alteration in the status of the members of the company, made after the commencement of the winding up, shall, unless the court otherwise orders, be void.

Avoidance of attachments, &c. in case of English company and in case of effects in England of Scottish company.

174.—(1) Where any company registered in England is being wound up by the court, any attachment, sequestration, distress, or execution put in force against the estate or effects of the company after the commencement of the winding up shall be void to all intents.

(2) The provisions of this section shall, so far as relates to any estate or effects of the company situate in

PART V. —*cont.*

England, apply in the case of a company registered in Scotland as it applies in the case of a company registered in England.

Commencement of Winding Up.

Commencement of winding up by the court.

175.—(1) Where before the presentation of a petition for the winding up of a company by the court a resolution has been passed by the company for voluntary winding up, the winding up of the company shall be deemed to have commenced at the time of the passing of the resolution, and unless the court, on proof of fraud or mistake, thinks fit otherwise to direct, all proceedings taken in the voluntary winding up shall be deemed to have been validly taken.

(2) In any other case, the winding up of a company by the court shall be deemed to commence at the time of the presentation of the petition for the winding up.

Consequences of Winding-up Order.

Copy of order to be forwarded to registrar.

176. On the making of a winding-up order, a copy of the order must forthwith be forwarded by the company, or otherwise as may be prescribed, to the registrar of companies, who shall make a minute thereof in his books relating to the company.

Actions stayed on winding-up order.

177. When a winding-up order has been made, or a provisional liquidator has been appointed, no action or proceeding shall be proceeded with or commenced against the company except by leave of the court, and subject to such terms as the court may impose.

Effect of winding-up order.

178. An order for winding up a company shall operate in favour of all the creditors and of all the contributories of the company as if made on the joint petition of a creditor and of a contributory.

Official Receiver in English Winding Up.

Official receiver in bankruptcy to be official receiver for winding-up purposes.

179.—(1) For the purposes of this Act so far as it relates to the winding up of companies by the court in England, the term "official receiver" means the official receiver, if any, attached to the court for bankruptcy purposes, or, if there is more than one such official

receiver, then such one of them as the Board of Trade may appoint, or, if there is no such official receiver, then an officer appointed for the purpose by the Board.

(2) Any such officer shall for the purpose of his duties under this Act be styled "the official receiver."

Appointment of official receiver by court in certain cases.

180. If in the case of the winding up of any company by the court in England it appears to the court desirable, with a view to securing the more convenient and economical conduct of the winding up, that some officer, other than the person who would by virtue of the last foregoing section of this Act be the official receiver, should be the official receiver for the purposes of that winding up, the court may appoint that other officer to act as official receiver in that winding up, and the person so appointed shall be deemed to be the official receiver in that winding up for all the purposes of this Act.

Statement of company's affairs to be submitted to official receiver.

181.—(1) Where the court in England has made a winding-up order or appointed a provisional liquidator, there shall, unless the court thinks fit to order otherwise and so orders, be made out and submitted to the official receiver a statement as to the affairs of the company in the prescribed form, verified by affidavit, and showing the particulars of its assets, debts, and liabilities, the names, residences, and occupations of its creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed or as the official receiver may require.

(2) The statement shall be submitted and verified by one or more of the persons who are at the relevant date the directors and by the person who is at that date the secretary or other chief officer of the company, or by such of the persons hereinafter in this subsection mentioned as the official receiver, subject to the direction of the court, may require to submit and verify the statement, that is to say, persons—

(*a*) who are or have been directors or officers of the company;

(*b*) who have taken part in the formation of the company at any time within one year before the relevant date;

PART V. —*cont.*

(*c*) who are in the employment of the company, or have been in the employment of the company within the said year, and are in the opinion of the official receiver capable of giving the information required;

(*d*) who are or have been within the said year officers of or in the employment of a company, which is, or within the said year was, an officer of the company to which the statement relates.

(3) The statement shall be submitted within fourteen days from the relevant date, or within such extended time as the official receiver or the court may for special reasons appoint.

(4) Any person making or concurring in making the statement and affidavit required by this section shall be allowed, and shall be paid by the official receiver or provisional liquidator, as the case may be, out of the assets of the company, such costs and expenses incurred in and about the preparation and making of the statement and affidavit as the official receiver may consider reasonable, subject to an appeal to the court.

(5) If any person, without reasonable excuse, makes default in complying with the requirements of this section, he shall be liable to a fine not exceeding ten pounds for every day during which the default continues.

(6) Any person stating himself in writing to be a creditor or contributory of the company shall be entitled by himself or by his agent at all reasonable times, on payment of the prescribed fee, to inspect the statement submitted in pursuance of this section, and to a copy thereof or extract therefrom.

(7) Any person untruthfully so stating himself to be a creditor or contributory shall be guilty of a contempt of court and shall, on the application of the liquidator or of the official receiver, be punishable accordingly.

(8) In this section the expression "the relevant date" means in a case where a provisional liquidator is appointed, the date of his appointment, and, in a case where no such appointment is made, the date of the winding up order.

Report by official receiver.

182.—(1) In a case where a winding-up order is made, the official receiver shall, as soon as practicable after receipt of the statement to be submitted under the

last foregoing section, or, in a case where the court orders that no statement shall be submitted, as soon as practicable after the date of the order, submit a preliminary report to the court—

(*a*) as to the amount of capital issued, subscribed, and paid up, and the estimated amount of assets and liabilities; and

(*b*) if the company has failed, as to the causes of the failure; and

(*c*) whether in his opinion further inquiry is desirable as to any matter relating to the promotion, formation, or failure of the company, or the conduct of the business thereof.

(2) The official receiver may also, if he thinks fit, make a further report, or further reports, stating the manner in which the company was formed and whether in his opinion any fraud has been committed by any person in its promotion or formation, or by any director or other officer of the company in relation to the company since the formation thereof, and any other matters which in his opinion it is desirable to bring to the notice of the court.

(3) If the official receiver states in any such further report as aforesaid that in his opinion a fraud has been committed as aforesaid, the court shall have the further powers provided in sections two hundred and sixteen and two hundred and seventeen of this Act.

Liquidators.

Power of court to appoint liquidators.

183. For the purpose of conducting the proceedings in winding up a company and performing such duties in reference thereto as the court may impose, the court may appoint a liquidator or liquidators.

Appointment and powers of provisional liquidator.

184.—(1) Subject to the provisions of this section, the court may appoint a liquidator provisionally at any time after the presentation of a winding up petition.

(2) Where the proceedings are in England, the appointment of a provisional liquidator may be made at any time before the making of a winding up order, and either the official receiver or any other fit person may be appointed.

PART V. —*cont.*

(3) Where the proceedings are in Scotland, the appointment of a provisional liquidator may be made at any time before the first appointment of liquidators.

(4) Where a liquidator is provisionally appointed by the court, the court may limit and restrict his powers by the order appointing him.

Appointment, style &c. of liquidators in England.

185. The following provisions with respect to liquidators shall have effect on a winding-up order being made in England:—

(1) The official receiver shall by virtue of his office become the provisional liquidator and shall continue to act as such until he or another person becomes liquidator and is capable of acting as such:

(2) The official receiver shall summon separate meetings of the creditors and contributories of the company for the purpose of determining whether or not an application is to be made to the court for appointing a liquidator in the place of the official receiver:

(3) The court may make any appointment and order required to give effect to any such determination, and, if there is a difference between the determinations of the meetings of the creditors and contributories in respect of the matter aforesaid, the court shall decide the difference and make such order thereon as the court may think fit:

(4) In a case where a liquidator is not appointed by the court, the official receiver shall be the liquidator of the company:

(5) The official receiver shall by virtue of his office be the liquidator during any vacancy:

(6) A liquidator shall be described, where a person other than the official receiver is liquidator, by the style of "the liquidator," and, where the official receiver is liquidator, by the style of "the official receiver and liquidator," of the particular company in respect of which he is appointed, and not by his individual name.

PART V. —*cont.*

Provisions where person other than official receiver is appointed liquidator.

186. Where in the winding up of a company by the court in England a person other than the official receiver is appointed liquidator, that person—

(1) shall not be capable of acting as liquidator until he has notified his appointment to the registrar of companies and given security in the prescribed manner to the satisfaction of the Board of Trade:

(2) shall give the official receiver such information and such access to and facilities for inspecting the books and documents of the company, and generally such aid as may be requisite for enabling that officer to perform his duties under this Act.

Provisions as to liquidators in Scotland.

187. The following provisions with respect to the liquidators shall have effect in a winding up by the court in Scotland:—

(1) The court may determine whether any and what security is to be given by a liquidator on his appointment:

(2) A liquidator shall be described by the style of "the official liquidator" of the particular company in respect of which he is appointed and not by his individual name:

(3) Where an order has been made for winding up a company subject to supervision, and an order is afterwards made for winding up by the court, the court may by the last-mentioned or by any subsequent order appoint any person who is then liquidator, either provisionally or permanently, and either with or without any other person, to be liquidator in the winding up by the court.

General provisions as to liquidators.

188.—(1) A liquidator appointed by the court may resign or, on cause shown, be removed by the court.

(2) Where a person other than the official receiver is appointed liquidator, he shall receive such salary or remuneration by way of percentage or otherwise as the court may direct, and, if more such persons than one are appointed liquidators, their remuneration shall be distri-

PART V. —*cont.*

buted among them in such proportions as the court directs.

(3) A vacancy in the office of a liquidator appointed by the court shall be filled by the court.

(4) If more than one liquidator is appointed by the court, the court shall declare whether any act by this Act required or authorised to be done by the liquidator is to be done by all or any one or more of the persons appointed.

(5) Subject to the provisions of section two hundred and seventy-eight of this Act, the acts of a liquidator shall be valid notwithstanding any defects that may afterwards be discovered in his appointment or qualification.

Custody of company's property.

189.—(1) Where a winding-up order has been made or where a provisional liquidator has been appointed, the liquidator, or the provisional liquidator, as the case may be, shall take into his custody, or under his control, all the property and things in action to which the company is or appears to be entitled.

(2) In a winding up by the court in Scotland, if and so long as there is no liquidator, all the property of the company shall be deemed to be in the custody of the court.

Vesting of property of company in liquidator.

190. Where a company is being wound up by the court, the court may on the application of the liquidator by order direct that all or any part of the property of whatsoever description belonging to the company or held by trustees on its behalf shall vest in the liquidator by his official name, and thereupon the property to which the order relates shall vest accordingly, and the liquidator may, after giving such indemnity, if any, as the court may direct, bring or defend in his official name any action or other legal proceeding which relates to that property or which it is necessary to bring or defend for the purpose of effectually winding up the company and recovering its property.

Powers of liquidator.

191.—(1) The liquidator in a winding up by the court shall have power with the sanction either of the court or of the committee of inspection—

(*a*) to bring or defend any action or other legal proceeding in the name and on behalf of the company:

(*b*) to carry on the business of the company, so far as may be necessary for the beneficial winding-up thereof:

(*c*) to appoint a solicitor or law agent to assist him in the performance of his duties:

(*d*) to pay any classes of creditors in full:

(*e*) to make any compromise or arrangement with creditors or persons claiming to be creditors, or having or alleging themselves to have any claim, present or future, certain or contingent, ascertained or sounding only in damages against the company, or whereby the company may be rendered liable:

(*f*) to compromise all calls and liabilities to calls, debts, and liabilities capable of resulting in debts, and all claims, present or future, certain or contingent, ascertained or sounding only in damages, subsisting or supposed to subsist between the company and a contributory, or alleged contributory, or other debtor or person apprehending liability to the company, and all questions in any way relating to or affecting the assets or the winding up of the company, on such terms as may be agreed, and take any security for the discharge of any such call, debt, liability or claim, and give a complete discharge in respect thereof.

(2) The liquidator in a winding up by the court shall have power—

(*a*) to sell the real and personal property and things in action of the company by public auction or private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels:

(*b*) to do all acts and to execute, in the name and on behalf of the company, all deeds, receipts, and other documents, and for that purpose to use, when necessary, the company's seal:

(*c*) to prove, rank, and claim in the bankruptcy, insolvency, or sequestration of any contributory, for any balance against his estate, and to receive dividends in the bankruptcy, insolvency, or sequestration in respect of that

PART V. —*cont.*

balance, as a separate debt due from the bankrupt or insolvent, and rateably with the other separate creditors:

(*d*) to draw, accept, make, and indorse any bill of exchange or promissory note in the name and on behalf of the company, with the same effect with respect to the liability of the company as if the bill or note had been drawn, accepted, made, or indorsed by or on behalf of the company in the course of its business:

(*e*) to raise on the security of the assets of the company any money requisite:

(*f*) to take out in his official name letters of administration to any deceased contributory, and to do in his official name any other act necessary for obtaining payment of any money due from a contributory or his estate which cannot be conveniently done in the name of the company, and in all such cases the money due shall, for the purpose of enabling the liquidator to take out the letters of administration or recover the money, be deemed to be due to the liquidator himself:

(*g*) to appoint an agent to do any business which the liquidator is unable to do himself:

(*h*) to do all such other things as may be necessary for winding up the affairs of the company and distributing its assets.

(3) The exercise by the liquidator in a winding up by the court of the powers conferred by this section shall be subject to the control of the court, and any creditor or contributory may apply to the court with respect to any exercise or proposed exercise of any of those powers.

(4) In the case of a winding up in Scotland, the court may provide by any order that the liquidator may, where there is no committee of inspection, exercise any of the powers mentioned in paragraph (*a*) or paragraph (*b*) of subsection (1) of this section without the sanction or intervention of the court.

PART V. —*cont.*

(5) In a winding up by the court in Scotland, the liquidator shall, subject to general rules, have the same powers as a trustee on a bankrupt estate.

Exercise and control of liquidator's powers in England.

192.—(1) Subject to the provisions of this Act, the liquidator of a company which is being wound up by the court in England shall, in the administration of the assets of the company and in the distribution thereof among its creditors, have regard to any directions that may be given by resolution of the creditors or contributories at any general meeting, or by the committee of inspection, and any directions given by the creditors or contributories at any general meeting shall in case of conflict be deemed to override any directions given by the committee of inspection.

(2) The liquidator may summon general meetings of the creditors or contributories for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors or contributories, by resolution, either at the meeting appointing the liquidator or otherwise, may direct, or whenever requested in writing to do so by one-tenth in value of the creditors or contributories as the case may be.

(3) The liquidator may apply to the court in manner prescribed for directions in relation to any particular matter arising under the winding up.

(4) Subject to the provisions of this Act, the liquidator shall use his own discretion in the management of the estate and its distribution among the creditors.

(5) If any person is aggrieved by any act or decision of the liquidator, that person may apply to the court, and the court may confirm, reverse, or modify the act or decision complained of, and make such order in the premises as it thinks just.

Books to be kept by liquidator in England.

193. Every liquidator of a company which is being wound up by the court in England shall keep, in manner prescribed, proper books in which he shall cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed, and any creditor or contributory may, subject to the control of the court, personally or by his agent inspect any such books.

PART V. —*cont.*

Payments of liquidator in England into bank.

194.—(1) Every liquidator of a company which is being wound up by the court in England shall, in such manner and at such times as the Board of Trade, with the concurrence of the Treasury, direct, pay the money received by him to the Companies Liquidation Account at the Bank of England, and the Board shall furnish him with a certificate of receipt of the money so paid:

Provided that, if the committee of inspection satisfy the Board of Trade that for the purpose of carrying on the business of the company or of obtaining advances, or for any other reason, it is for the advantage of the creditors or contributories that the liquidator should have an account with any other bank, the Board shall, on the application of the committee of inspection, authorise the liquidator to make his payments into and out of such other bank as the committee may select, and thereupon those payments shall be made in the prescribed manner.

(2) If any such liquidator at any time retains for more than ten days a sum exceeding fifty pounds, or such other amount as the Board of Trade in any particular case authorise him to retain, then, unless he explains the retention to the satisfaction of the Board, he shall pay interest on the amount so retained in excess at the rate of twenty per cent. per annum, and shall be liable to disallowance of all or such part of his remuneration as the Board may think just, and to be removed from his office by the Board, and shall be liable to pay any expenses occasioned by reason of his default.

(3) A liquidator of a company which is being wound up by the court in England shall not pay any sums received by him as liquidator into his private banking account.

Audit of liquidator's accounts in England.

195.—(1) Every liquidator of a company which is being wound up by the court in England shall, at such times as may be prescribed but not less than twice in each year during his tenure of office, send to the Board of Trade, or as they direct, an account of his receipts and payments as liquidator.

PART V. —*cont.*

(2) The account shall be in a prescribed form, shall be made in duplicate, and shall be verified by a statutory declaration in the prescribed form.

(3) The Board shall cause the account to be audited and for the purpose of the audit the liquidator shall furnish the Board with such vouchers and information as the Board may require, and the Board may at any time require the production of and inspect any books or accounts kept by the liquidator.

(4) When the account has been audited, one copy thereof shall be filed and kept by the Board, and the other copy shall be delivered to the court for filing, and each copy shall be open to the inspection of any creditor, or of any person interested.

(5) The Board shall cause the account when audited or a summary thereof to be printed, and shall send a printed copy of the account or summary by post to every creditor and contributory.

Control of Board of Trade over liquidators in England.

196.—(1) The Board of Trade shall take cognizance of the conduct of liquidators of companies which are being wound up by the court in England, and, if a liquidator does not faithfully perform his duties and duly observe all the requirements imposed on him by statute, rules, or otherwise with respect to the performance of his duties, or if any complaint is made to the Board by any creditor or contributory in regard thereto, the Board shall inquire into the matter, and take such action thereon as they may think expedient.

(2) The Board may at any time require any liquidator of a company which is being wound up by the court in England to answer any inquiry in relation to any winding up in which he is engaged, and may, if the Board think fit, apply to the court to examine him or any other person on oath concerning the winding up.

(3) The Board may also direct a local investigation to be made of the books and vouchers of the liquidator.

Release of liquidators in England.

197.—(1) When the liquidator of a company which is being wound up by the court in England has realised all the property of the company, or so much thereof as can, in his opinion, be realised without needlessly

PART V. —*cont.*

protracting the liquidation, and has distributed a final dividend, if any, to the creditors, and adjusted the rights of the contributories among themselves, and made a final return, if any, to the contributories, or has resigned, or has been removed from his office, the Board of Trade shall, on his application, cause a report on his accounts to be prepared, and, on his complying with all the requirements of the Board, shall take into consideration the report, and any objection which may be urged by any creditor or contributory, or person interested against the release of the liquidator, and shall either grant or withhold the release accordingly, subject nevertheless to an appeal to the High Court.

(2) Where the release of a liquidator is withheld, the court may, on the application of any creditor or contributory, or person interested, make such order as it thinks just, charging the liquidator with the consequences of any act or default which he may have done or made contrary to his duty.

(3) An order of the Board of Trade releasing the liquidator shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the company, or otherwise in relation to his conduct as liquidator, but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

(4) Where the liquidator has not previously resigned or been removed, his release shall operate as a removal of him from his office.

Committees of Inspection.

Meetings of creditors and contributories to determine whether committee of inspection shall be appointed.

198.—(1) When a winding up order has been made by the court in England, it shall be the business of the separate meetings of creditors and contributories summoned for the purpose of determining whether or not an application should be made to the court for appointing a liquidator in place of the official receiver, to determine further whether or not an application is to be made to the court for the appointment of a committee of inspection to act with the liquidator and who are to be members of the committee if appointed.

PART V. —*cont.*

(2) When a winding-up order has been made by the court in Scotland, the liquidator shall summon separate meetings of the creditors and contributories of the company for the purpose of determining whether or not an application is to be made to the court for the appointment of a committee of inspection to act with the liquidator and who are to be the members of the committee if appointed:

Provided that, where the winding-up order has been made on the ground that the company is unable to pay its debts, it shall not be necessary for the liquidator to summon a meeting of the contributories.

(3) The court may make any appointment and order required to give effect to any such determination, and if there is a difference between the determinations of the meetings of the creditors and contributories in respect of the matters aforesaid the court shall decide the difference and make such order thereon as the court may think fit.

Constitution and proceedings of committee of inspection.

199.—(1) A committee of inspection appointed in pursuance of this Act shall consist of creditors and contributories of the company or persons holding general powers of attorney from creditors or contributories in such proportions as may be agreed on by the meetings of creditors and contributories, or as, in case of difference, may be determined by the court:

Provided that, where in Scotland a winding up order has been made on the ground that a company is unable to pay its debts, the committee shall consist of creditors or persons holding general powers of attorney from creditors.

(2) The committee shall meet at such times as they from time to time appoint, and, failing such appointment, at least once a month, and the liquidator or any member of the committee may also call a meeting of the committee as and when he thinks necessary.

(3) The committee may act by a majority of their members present at a meeting, but shall not act unless a majority of the committee are present.

(4) A member of the committee may resign by notice in writing signed by him and delivered to the liquidator.

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(5) If a member of the committee becomes bankrupt, or compounds or arranges with his creditors, or is absent from five consecutive meetings of the committee without the leave of those members who together with himself represent the creditors or contributories, as the case may be, his office shall thereupon become vacant.

(6) A member of the committee may be removed by an ordinary resolution at a meeting of creditors, if he represents creditors, or of contributories, if he represents contributories, of which seven days' notice has been given, stating the object of the meeting.

(7) On a vacancy occurring in the committee the liquidator shall forthwith summon a meeting of creditors or of contributories, as the case may require, to fill the vacancy, and the meeting may, by resolution, re-appoint the same or appoint another creditor or contributory to fill the vacancy.

(8) The continuing members of the committee, if not less than two, may act notwithstanding any vacancy in the committee.

Powers of Board of Trade in England where no committee of inspection.

200. Where in the case of a winding up in England there is no committee of inspection, the Board of Trade may, on the application of the liquidator, do any act or thing or give any direction or permission which is by this Act authorised or required to be done or given by the committee.

Additional powers of committee of inspection in Scotland.

201. In the case of a winding up in Scotland, the committee of inspection shall, in addition to the powers and duties conferred and imposed on it by this Act, have such of the powers and duties of commissioners on a bankrupt estate as may be conferred and imposed on committees of inspection by general rules.

General Powers of Court in case of Winding-up by Court.

Power to stay winding up.

202.—(1) The court may at any time after an order for winding up, on the application either of the liquidator, or the official receiver, or any creditor or contributory, and on proof to the satisfaction of the court that all proceedings in relation to the winding up ought to be stayed, make an order staying the proceedings, either altogether or for a limited time, on such terms and conditions as the court thinks fit.

(2) On any application under this section the court may, before making an order, require the official receiver to furnish to the court a report with respect to any facts or matters which are in his opinion relevant to the application. PART V. —*cont.*

Settlement of list of contributories and application of assets.

203.—(1) As soon as may be after making a winding-up order, the court shall settle a list of contributories, with power to rectify the register of members in all cases where rectification is required in pursuance of this Act, and shall cause the assets of the company to be collected, and applied in discharge of its liabilities:

Provided that, where it appears to the court that it will not be necessary to make calls on or adjust the rights of contributories, the court may dispense with the settlement of a list of contributories.

(2) In settling the list of contributories, the court shall distinguish between persons who are contributories in their own right and persons who are contributories as being representatives of or liable for the debts of others.

Delivery of property to liquidator.

204. The court may, at any time after making a winding-up order, require any contributory for the time being on the list of contributories, and any trustee, receiver, banker, agent or officer of the company to pay, deliver, convey, surrender, or transfer forthwith, or within such time as the court directs, to the liquidator any money, property, or books and papers in his hands to which the company is primâ facie entitled.

Payment of debts due by contributory to company and extent to which set off allowed.

205.—(1) The court may, at any time after making a winding-up order, make an order on any contributory for the time being on the list of contributories to pay, in manner directed by the order, any money due from him or from the estate of the person whom he represents to the company, exclusive of any money payable by him or the estate by virtue of any call in pursuance of this Act.

(2) The court in making such an order may—

(*a*) in the case of an unlimited company, allow to the contributory by way of set-off any money due to him or to the estate which he represents from the company on any

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independent dealing or contract with the company, but not any money due to him as a member of the company in respect of any dividend or profit; and

(*b*) in the case of a limited company, make to any director or manager whose liability is unlimited or to his estate the like allowance.

(3) In the case of any company, whether limited or unlimited, when all the creditors are paid in full, any money due on any account whatever to a contributory from the company may be allowed to him by way of set-off against any subsequent call.

Power of court to make calls.

206.—(1) The court may, at any time after making a winding-up order, and either before or after it has ascertained the sufficiency of the assets of the company, make calls on all or any of the contributories for the time being settled on the list of the contributories to the extent of their liability, for payment of any money which the court considers necessary to satisfy the debts and liabilities of the company, and the costs, charges, and expenses of winding up, and for the adjustment of the rights of the contributories among themselves, and make an order for payment of any calls so made.

(2) In making a call the court may take into consideration the probability that some of the contributories may partly or wholly fail to pay the call.

Payment into Bank of moneys due to company.

207.—(1) The court may order any contributory, purchaser or other person from whom money is due to the company to pay the amount due into the Bank of England or any branch thereof to the account of the liquidator instead of to the liquidator, and any such order may be enforced in the same manner as if it had directed payment to the liquidator.

(2) All moneys and securities paid or delivered into the Bank of England or any branch thereof in the event of a winding up by the court shall be subject in all respects to the orders of the court.

Order on contributory conclusive evidence.

208.—(1) An order made by the court on a contributory shall, subject to any right of appeal, be conclusive evidence that the money, if any, thereby appearing to be due or ordered to be paid is due.

(2) All other pertinent matters stated in the order shall be taken to be truly stated as against all persons and in all proceedings, except proceedings in Scotland against the heritable estate of a deceased contributory, in which case the order shall be only prima facie evidence for the purpose of charging his heritable estate, unless his heirs or legatees of heritage were on the list of contributories at the time of the order being made.

Appointment in England of special manager.

209.—(1) Where in proceedings in England the official receiver becomes the liquidator of a company, whether provisionally or otherwise, he may, if satisfied that the nature of the estate or business of the company, or the interests of the creditors or contributories generally, require the appointment of a special manager of the estate or business of the company other than himself, apply to the court, and the court may on such application, appoint a special manager of the said estate or business to act during such time as the court may direct, with such powers, including any of the powers of a receiver or manager, as may be entrusted to him by the court.

(2) The special manager shall give such security and account in such manner as the Board of Trade direct.

(3) The special manager shall receive such remuneration as may be fixed by the court.

Power to exclude creditors not proving in time.

210. The court may fix a time or times within which creditors are to prove their debts or claims, or to be excluded from the benefit of any distribution made before those debts are proved.

Adjustment of rights of contributories.

211. The court shall adjust the rights of the contributories among themselves, and distribute any surplus among the persons entitled thereto.

Inspection of books by creditors and contributories.

212. The court may, at any time after making a winding-up order, make such order for inspection of the books and papers of the company by creditors and contributories as the court thinks just, and any books and papers in the possession of the company may be inspected by creditors or contributories accordingly, but not further or otherwise.

Power to order costs of winding up to be paid out of assets.

213. The court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the assets of the costs, charges,

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and expenses incurred in the winding up in such order of priority as the court thinks just.

Power to summon persons suspected of having property of company.

214.—(1) The court may, at any time after the appointment of a provisional liquidator or the making of a winding-up order, summon before it any officer of the company or person known or suspected to have in his possession any property of the company or supposed to be indebted to the company, or any person whom the court deems capable of giving information concerning the promotion, formation, trade, dealings, affairs, or property of the company.

(2) The court may examine him on oath concerning the matters aforesaid, either by word of mouth or on written interrogatories, and may reduce his answers to writing and require him to sign them.

(3) The court may require him to produce any books and papers in his custody or power relating to the company, but, where he claims any lien on books or papers produced by him, the production shall be without prejudice to that lien, and the court shall have jurisdiction in the winding up to determine all questions relating to that lien.

(4) If any person so summoned, after being tendered a reasonable sum for his expenses, refuses to come before the court at the time appointed, not having a lawful impediment (made known to the court at the time of its sitting, and allowed by it), the court may cause him to be apprehended and brought before the court for examination.

Attendance of director of company at meetings of creditors, &c. in Scotland.

215. In the winding up by the court of a company registered in Scotland, the court shall have power to require the attendance of any director or other officer of the company at any meeting of creditors or of contributories or of a committee of inspection for the purpose of giving information as to the trade, dealings, affairs or property of the company.

Power in England to order public examination of promoters, directors, &c.

216.—(1) Where an order has been made in England for winding up a company by the court, and the official receiver has made a further report under this Act stating that in his opinion a fraud has been committed by any person in the promotion or formation of the company, or by any director or other officer of the company in

PART V. —*cont.*

relation to the company since its formation, the court may, after consideration of the report, direct that that person, director or officer shall attend before the court on a day appointed by the court for that purpose, and be publicly examined as to the promotion or formation or the conduct of the business of the company, or as to his conduct and dealings as director or officer thereof.

(2) The official receiver shall take part in the examination, and for that purpose may, if specially authorised by the Board of Trade in that behalf, employ a solicitor with or without counsel.

(3) The liquidator, where the official receiver is not the liquidator, and any creditor or contributory, may also take part in the examination either personally or by solicitor or counsel.

(4) The court may put such questions to the person examined as the court thinks fit.

(5) The person examined shall be examined on oath, and shall answer all such questions as the court may put or allow to be put to him.

(6) A person ordered to be examined under this section shall at his own cost, before his examination, be furnished with a copy of the official receiver's report, and may at his own cost employ a solicitor with or without counsel, who shall be at liberty to put to him such questions as the court may deem just for the purpose of enabling him to explain or qualify any answers given by him:

Provided that, if any such person applies to the court to be exculpated from any charges made or suggested against him, it shall be the duty of the official receiver to appear on the hearing of the application and call the attention of the court to any matters which appear to the official receiver to be relevant, and if the court, after hearing any evidence given or witnesses called by the official receiver, grants the application, the court may allow the applicant such costs as in its discretion it may think fit.

(7) Notes of the examination shall be taken down in writing, and shall be read over to or by, and signed by, the person examined, and may thereafter be used in

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evidence against him, and shall be open to the inspection of any creditor or contributory at all reasonable times.

(8) The court may, if it thinks fit, adjourn the examination from time to time.

(9) An examination under this section may, if the court so directs, and subject to general rules, be held before any judge of county courts, or before any officer of the Supreme Court, being an official referee, master, or registrar in bankruptcy, or before any district registrar of the High Court named for the purpose by the Lord Chancellor, or, in the case of companies being wound up by a Palatine Court, before a registrar of that court, and the powers of the court under this section may be exercised by the person before whom the examination is held.

Power in England to restrain fraudulent persons from managing companies.

217.—(1) Where an order has been made in England for winding up a company by the court, and the official receiver has made a further report under this Act stating that, in his opinion, a fraud has been committed by a person in the promotion or formation of the company, or by any director or other officer of the company in relation to the company since its formation, the court may, on the application of the official receiver, order that that person, director or officer shall not, without the leave of the court, be a director of or in any way, whether directly or indirectly, be concerned in or take part in the management of a company for such period, not exceeding five years, from the date of the report as may be specified in the order.

(2) The official receiver shall, where he intends to make an application under the last foregoing subsection, give not less than ten days' notice of his intention to the person charged with the fraud, and on the hearing of the application that person may appear and himself give evidence or call witnesses.

(3) It shall be the duty of the official receiver to appear on the hearing of an application by him for an order under this section and on an application for leave under this section and to call the attention of the court to any matters which appear to him to be relevant, and on any such application the official receiver may himself give evidence or call witnesses.

(4) If any person acts in contravention of an order made under this section, he shall, in respect of each offence, be liable on conviction on indictment to imprisonment for a term not exceeding two years, or on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred pounds, or to both such imprisonment and fine.

(5) The provisions of this section shall have effect notwithstanding that the person concerned may be criminally liable in respect of the matters on the ground of which the order is to be made.

Power to arrest absconding contributory.

218. The court, at any time either before or after making a winding-up order, on proof of probable cause for believing that a contributory is about to quit the United Kingdom, or otherwise to abscond, or to remove or conceal any of his property for the purpose of evading payment of calls, or of avoiding examination respecting the affairs of the company, may cause the contributory to be arrested, and his books and papers and moveable personal property to be seized, and him and them to be safely kept until such time as the court may order.

Powers of court cumulative.

219. Any powers by this Act conferred on the court shall be in addition to and not in restriction of any existing powers of instituting proceedings against any contributory or debtor of the company, or the estate of any contributory or debtor, for the recovery of any call or other sums.

Delegation to liquidator of certain powers of court in England.

220. Provision may be made by general rules for enabling or requiring all or any of the powers and duties conferred and imposed on the court in England by this Act in respect of the following matters—

(1) the holding and conducting of meetings to ascertain the wishes of creditors and contributories;

(2) the settling of lists of contributories and the rectifying of the register of members where required, and the collecting and applying of the assets;

(3) the paying, delivery, conveyance, surrender or transfer of money, property, books or papers to the liquidator;

(4) the making of calls;

PART V. —*cont.*

(5) the fixing of a time within which debts and claims must be proved;

to be exercised or performed by the liquidator as an officer of the court, and subject to the control of the court:

Provided that the liquidator shall not, without the special leave of the court, rectify the register of members, and shall not make any call without either the special leave of the court or the sanction of the committee of inspection.

Dissolution of company.

221.—(1) When the affairs of a company have been completely wound up, the court shall make an order that the company be dissolved from the date of the order, and the company shall be dissolved accordingly.

(2) The order shall within fourteen days from the date thereof be reported by the liquidator to the registrar of companies who shall make in his books a minute of the dissolution of the company.

(3) If the liquidator makes default in complying with the requirements of this section, he shall be liable to a fine not exceeding five pounds for every day during which he is in default.

Enforcement of and Appeal from Orders.

Order for calls on contributories in Scotland.

222.—(1) Where an order, interlocutor, or decree has been made in Scotland for winding up a company by the court, it shall be competent to the court, on production by the liquidators of a list certified by them of the names of the contributories liable in payment of any calls, and of the amount due by each contributory, and of the date when the said amount became due, to pronounce forthwith a decree against those contributories for payment of the sums so certified to be due, with interest from the said date till payment, at the rate of five per cent. per annum in the same way and to the same effect as if they had severally consented to registration for execution, on a charge of six days, of a legal obligation to pay those calls and interest.

(2) Any such decree may be extracted immediately, and no suspension thereof shall be competent, except on caution or consignation, unless with special leave of the court.

PART V. —*cont.*

Enforcement throughout United Kingdom of orders made in winding up.

223.—(1) Any order made by the court in England for or in the course of winding up a company shall be enforced in Scotland and Northern Ireland in the courts that would respectively have jurisdiction in respect of that company if registered in Scotland or Northern Ireland and in the same manner in all respects as if the order had been made by those courts.

(2) In like manner orders, interlocutors, and decrees made by the court in Scotland for or in the course of winding up a company shall be enforced in England and Northern Ireland by the courts which would respectively have jurisdiction in respect of that company if registered in that part of the United Kingdom where the order is required to be enforced, and in the same manner in all respects as if the order had been made by those courts.

(3) Where any order, interlocutor, or decree made by one court is required to be enforced by another court, an office copy of the order, interlocutor, or decree shall be produced to the proper officer of the court required to enforce the same, and the production of an office copy shall be sufficient evidence of the order, interlocutor, or decree, and thereupon the last-mentioned court shall take the requisite steps in the matter for enforcing the order, interlocutor, or decree, in the same manner as if it had been made by that court.

Appeals from orders in Scotland.

224.—(1) Subject to the provisions of this section and to rules of court, an appeal from any order or decision made or given in the winding up of a company by the court in Scotland under this Act shall lie in the same manner and subject to the same conditions as an appeal from any order or decision of the court in cases within its ordinary jurisdiction.

(2) In regard to orders or judgments pronounced in Scotland by the Lord Ordinary on the Bills in vacation—

(*a*) no order or judgment under the provisions of this Act specified in the First Part of the Eighth Schedule to this Act shall be subject to review, reduction, suspension, or stay of execution; and

(*b*) every other order or judgment (except as hereinafter mentioned) shall be subject to review only

PART V. —*cont.*

by reclaiming note, in common form, presented within fourteen days from the date of the order or judgment:

Provided that orders or judgments under the provisions of this Act specified in the Second Part of the Eighth Schedule to this Act shall, from the dates of those orders or judgments, and notwithstanding any reclaiming note against them, be carried out and receive effect until the reclaiming note is disposed of by the court.

(3) In regard to orders or judgments pronounced in Scotland by a permanent Lord Ordinary to whom a winding up has been remitted, any such order or judgment shall be subject to review only by reclaiming note in common form, presented within fourteen days from the date of the order or judgment, but should a reclaiming note not be presented and moved during session, the provisions of this section in regard to orders or judgments pronounced by the Lord Ordinary on the bills in vacation shall apply to the order or judgment.

(4) Nothing in this section shall affect the provisions of this Act in reference to decrees in Scotland for payment of calls in the winding up of companies, whether voluntarily or by or subject to the supervision of the court.

(iii) VOLUNTARY WINDING UP.

Resolutions for, and commencement of Voluntary Winding Up.

Circumstances in which company may be wound up voluntarily.

225.—(1) A company may be wound up voluntarily—

(*a*) When the period, if any, fixed for the duration of the company by the articles expires, or the event, if any, occurs, on the occurrence of which the articles provide that the company is to be dissolved, and the company in general meeting has passed a resolution requiring the company to be wound up voluntarily:

(*b*) If the company resolves by special resolution that the company be wound up voluntarily:

(*c*) If the company resolves by extraordinary resolution to the effect that it cannot by reason of its liabilities continue its business, and that it is advisable to wind up. Part V. —*cont.*

(2) In this Act the expression "a resolution for "voluntary winding up" means a resolution passed under any of the provisions of subsection (1) of this section.

Notice of resolution to wind up voluntarily.

226.—(1) When a company has passed a resolution for voluntary winding up, it shall, within seven days after the passing of the resolution, give notice of the resolution by advertisement in the Gazette.

(2) If default is made in complying with this section, the company and every officer of the company who is in default shall be liable to a default fine, and for the purposes of this subsection the liquidator of the company shall be deemed to be an officer of the company.

Commencement of voluntary winding up.

227. A voluntary winding up shall be deemed to commence at the time of the passing of the resolution for voluntary winding up.

Consequences of Voluntary Winding Up.

Effect of voluntary winding up on business and status of company.

228. In case of a voluntary winding up, the company shall, from the commencement of the winding up, cease to carry on its business, except so far as may be required for the beneficial winding up thereof:

Provided that the corporate state and corporate powers of the company shall, notwithstanding anything to the contrary in its articles, continue until it is dissolved.

Avoidance of transfers, &c., after commencement of voluntary winding up.

229. Any transfer of shares, not being a transfer made to or with the sanction of the liquidator, and any alteration in the status of the members of the company, made after the commencement of a voluntary winding up, shall be void.

Declaration of Solvency.

Statutory declaration of solvency in case of proposal to

230.—(1) Where it is proposed to wind up a company voluntarily, the directors of the company or, in the case of a company having more than two directors, the majority of the directors may, at a meeting of the

PART V. —*cont.* wind up voluntarily.

directors held before the date on which the notices of the meeting at which the resolution for the winding up of the company is to be proposed are sent out, make a statutory declaration to the effect that they have made a full inquiry into the affairs of the company, and that, having so done, they have formed the opinion that the company will be able to pay its debts in full within a period, not exceeding twelve months, from the commencement of the winding up.

(2) A declaration made as aforesaid shall have no effect for the purposes of this Act unless it is delivered to the registrar of companies for registration before the date mentioned in subsection (1) of this section.

(3) A winding up in the case of which a declaration has been made and delivered in accordance with this section is in this Act referred to as "a members' voluntary winding up," and a winding up in the case of which a declaration has not been made and delivered as aforesaid is in this Act referred to as "a creditors' voluntary winding up."

Provisions applicable to a Members' Voluntary Winding Up.

Provisions applicable to a members' winding up.

231. The provisions contained in the five sections of this Act next following shall apply in relation to a members' voluntary winding up.

Power of company to appoint and fix remuneration of liquidators.

232.—(1) The company in general meeting shall appoint one or more liquidators for the purpose of winding up the affairs and distributing the assets of the company, and may fix the remuneration to be paid to him or them.

(2) On the appointment of a liquidator all the powers of the directors shall cease, except so far as the company in general meeting, or the liquidator, sanctions the continuance thereof.

Power to fill vacancy in office of liquidator.

233.—(1) If a vacancy occurs by death, resignation, or otherwise in the office of liquidator appointed by the company, the company in general meeting may, subject to any arrangement with its creditors, fill the vacancy.

(2) For that purpose a general meeting may be convened by any contributory or, if there were more liquidators than one, by the continuing liquidators.

(3) The meeting shall be held in manner provided by this Act or by the articles, or in such manner as may, on application by any contributory or by the continuing liquidators, be determined by the court.

Power of liquidator to accept shares, &c. as consideration for sale of property of company.

234.—(1) Where a company is proposed to be, or is in course of being, wound up altogether voluntarily, and the whole or part of its business or property is proposed to be transferred or sold to another company, whether a company within the meaning of this Act or not (in this section called "the transferee company") the liquidator of the first-mentioned company (in this section called "the transferor company") may, with the sanction of a special resolution of that company, conferring either a general authority on the liquidator or an authority in respect of any particular arrangement, receive in compensation or part compensation for the transfer or sale, shares, policies, or other like interests in the transferee company, for distribution among the members of the transferor company, or may enter into any other arrangement whereby the members of the transferor company may, in lieu of receiving cash, shares, policies, or other like interests, or in addition thereto, participate in the profits of or receive any other benefit from the transferee company.

(2) Any sale or arrangement in pursuance of this section shall be binding on the members of the transferor company.

(3) If any member of the transferor company who did not vote in favour of the special resolution expresses his dissent therefrom in writing addressed to the liquidator, and left at the registered office of the company within seven days after the passing of the resolution, he may require the liquidator either to abstain from carrying the resolution into effect, or to purchase his interest at a price to be determined by agreement or by arbitration in manner provided by this section.

(4) If the liquidator elects to purchase the member's interest, the purchase money must be paid before the company is dissolved, and be raised by the liquidator in such manner as may be determined by special resolution.

(5) A special resolution shall not be invalid for the purposes of this section by reason that it is passed before

PART V. —*cont.*

or concurrently with a resolution for voluntary winding up or for appointing liquidators, but, if an order is made within a year for winding up the company by or subject to the supervision of the court, the special resolution shall not be valid unless sanctioned by the court.

8 & 9 Vict. c. 16. 8 & 9 Vict. c. 17.

(6) For the purposes of an arbitration under this section, the provisions of the Companies Clauses Consolidation Act, 1845, or, in the case of a winding-up in Scotland, the Companies Clauses Consolidation (Scotland) Act, 1845, with respect to the settlement of disputes by arbitration, shall be incorporated with this Act, and in the construction of those provisions this Act shall be deemed to be the special Act, and "the company" shall mean the transferor company, and any appointment by the said incorporated provisions directed to be made under the hand of the secretary, or any two of the directors, may be made under the hand of the liquidator, or, if there is more than one liquidator, then of any two or more of the liquidators.

Duty of liquidator to call general meeting at end of each year.

235.—(1) In the event of the winding up continuing for more than one year, the liquidator shall summon a general meeting of the company at the end of the first year from the commencement of the winding up, and of each succeeding year, or as soon thereafter as may be convenient, and shall lay before the meeting an account of his acts and dealings and of the conduct of the winding up during the preceding year.

(2) If the liquidator fails to comply with this section, he shall be liable to a fine not exceeding ten pounds.

Final meeting and dissolution.

236.—(1) As soon as the affairs of the company are fully wound up, the liquidator shall make up an account of the winding up, showing how the winding up has been conducted and the property of the company has been disposed of, and thereupon shall call a general meeting of the company for the purpose of laying before it the account, and giving any explanation thereof.

(2) The meeting shall be called by advertisement in the Gazette, specifying the time, place, and object thereof, and published one month at least before the meeting.

PART V. —*cont.*

(3) Within one week after the meeting, the liquidator shall send to the registrar of companies a copy of the account, and shall make a return to him of the holding of the meeting and of its date, and if the copy is not sent or the return is not made in accordance with this subsection the liquidator shall be liable to a fine not exceeding five pounds for every day during which the default continues :

Provided that, if a quorum is not present at the meeting, the liquidator shall, in lieu of the return hereinbefore mentioned, make a return that the meeting was duly summoned and that no quorum was present thereat, and upon such a return being made the provisions of this subsection as to the making of the return shall be deemed to have been complied with.

(4) The registrar on receiving the account and either of the returns hereinbefore mentioned shall forthwith register them, and on the expiration of three months from the registration of the return the company shall be deemed to be dissolved :

Provided that the court may, on the application of the liquidator or of any other person who appears to the court to be interested, make an order deferring the date at which the dissolution of the company is to take effect for such time as the court thinks fit.

(5) It shall be the duty of the person on whose application an order of the court under this section is made, within seven days after the making of the order, to deliver to the registrar an office copy of the order for registration, and if that person fails so to do he shall be liable to a fine not exceeding five pounds for every day during which the default continues.

Provisions applicable to a Creditors' Voluntary Winding Up.

Provisions applicable to a creditors' winding up.

237. The provisions contained in the eight sections of this Act next following shall apply in relation to a creditors' voluntary winding up.

Meeting of creditors.

238.—(1) The company shall cause a meeting of the creditors of the company to be summoned for the day, or the day next following the day, on which there is to be held the meeting at which the resolution for voluntary

PART V. —*cont.*

winding up is to be proposed, and shall cause the notices of the said meeting of creditors to be sent by post to the creditors simultaneously with the sending of the notices of the said meeting of the company.

(2) The company shall cause notice of the meeting of the creditors to be advertised once in the Gazette and once at least in two local newspapers circulating in the district where the registered office or principal place of business of the company is situate.

(3) The directors of the company shall—

(*a*) cause a full statement of the position of the company's affairs together with a list of the creditors of the company and the estimated amount of their claims to be laid before the meeting of creditors to be held as aforesaid; and

(*b*) appoint one of their number to preside at the said meeting.

(4) It shall be the duty of the director appointed to preside at the meeting of creditors to attend the meeting and preside thereat.

(5) If the meeting of the company at which the resolution for voluntary winding up is to be proposed is adjourned and the resolution is passed at an adjourned meeting, any resolution passed at the meeting of the creditors held in pursuance of subsection (1) of this section shall have effect as if it had been passed immediately after the passing of the resolution for winding up the company.

(6) If default is made—

(*a*) by the company in complying with subsections (1) and (2) of this section;

(*b*) by the directors of the company in complying with subsection (3) of this section;

(*c*) by any director of the company in complying with subsection (4) of this section;

the company, directors or director, as the case may be, shall be liable to a fine not exceeding one hundred pounds, and, in the case of default by the company, every officer of the company who is in default shall be liable to the like penalty.

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Appointment of liquidator.

239. The creditors and the company at their respective meetings mentioned in the last foregoing section of this Act may nominate a person to be liquidator for the purpose of winding up the affairs and distributing the assets of the company, and if the creditors and the company nominate different persons, the person nominated by the creditors shall be liquidator, and if no person is nominated by the creditors the person, if any, nominated by the company shall be liquidator:

Provided that in the case of different persons being nominated any director, member, or creditor of the company may, within seven days after the date on which the nomination was made by the creditors, apply to the court for an order either directing that the person nominated as liquidator by the company shall be liquidator instead of or jointly with the person nominated by the creditors, or appointing some other person to be liquidator instead of the person appointed by the creditors.

Appointment of committee of inspection.

240.—(1) The creditors at the meeting to be held in pursuance of section two hundred and thirty-eight of this Act or at any subsequent meeting, may, if they think fit, appoint a committee of inspection consisting of not more than five persons, and if such a committee is appointed the company may, either at the meeting at which the resolution for voluntary winding up is passed or at any time subsequently in general meeting, appoint such number of persons as they think fit to act as members of the committee not exceeding five in number:

Provided that the creditors may, if they think fit, resolve that all or any of the persons so appointed by the company ought not to be members of the committee of inspection, and, if the creditors so resolve, the persons mentioned in the resolution shall not, unless the court otherwise directs, be qualified to act as members of the committee, and on any application to the court under this provision the court may, if it thinks fit, appoint other persons to act as such members in place of the persons mentioned in the resolution.

(2) Subject to the provisions of this section and to general rules, the provisions of sections one hundred and ninety-nine (except subsection (1)) and two hundred

PART V. —*cont.*

and one of this Act shall apply with respect to a committee of inspection appointed under this section as they apply with respect to a committee of inspection appointed in a winding up by the court.

Fixing of liquidators' remuneration and cesser of directors' powers.

241.—(1) The committee of inspection, or if there is no such committee, the creditors, may fix the remuneration to be paid to the liquidator or liquidators.

(2) On the appointment of a liquidator, all the powers of the directors shall cease, except so far as the committee of inspection, or if there is no such committee, the creditors, sanction the continuance thereof.

Power to fill vacancy in office of liquidator.

242. If a vacancy occurs, by death, resignation or otherwise, in the office of a liquidator, other than a liquidator appointed by, or by the direction of, the court, the creditors may fill the vacancy.

Application of s. 234 to a creditors' voluntary winding up.

243. The provisions of section two hundred and thirty-four of this Act shall apply in the case of a creditors' voluntary winding up as in the case of a members' voluntary winding up, with the modification that the powers of the liquidator under the said section shall not be exercised except with the sanction either of the court or of the committee of inspection.

Duty of liquidator to call meetings of company and of creditors at end of each year.

244.—(1) In the event of the winding up continuing for more than one year, the liquidator shall summon a general meeting of the company and a meeting of creditors at the end of the first year from the commencement of the winding up, and of each succeeding year, or as soon thereafter as may be convenient, and shall lay before the meetings an account of his acts and dealings and of the conduct of the winding up during the preceding year.

(2) If the liquidator fails to comply with this section, he shall be liable to a fine not exceeding ten pounds.

Final meeting and dissolution.

245.—(1) As soon as the affairs of the company are fully wound up, the liquidator shall make up an account of the winding up, showing how the winding up has been conducted and the property of the company has been disposed of, and thereupon shall call a general meeting of the company and a meeting of the creditors, for

the purpose of laying the account before the meetings, and giving any explanation thereof.

(2) Each such meeting shall be called by advertisement in the Gazette, specifying the time, place, and object thereof, and published one month at least before the meeting.

(3) Within one week after the date of the meetings, or, if the meetings are not held on the same date, after the date of the later meeting, the liquidator shall send to the registrar of companies a copy of the account, and shall make a return to him of the holding of the meetings and of their dates, and if the copy is not sent or the return is not made in accordance with this subsection the liquidator shall be liable to a fine not exceeding five pounds for every day during which the default continues:

Provided that, if a quorum is not present at either such meeting, the liquidator shall, in lieu of the return hereinbefore mentioned, make a return that the meeting was duly summoned and that no quorum was present thereat, and upon such a return being made the provisions of this subsection as to the making of the return shall, in respect of that meeting, be deemed to have been complied with.

(4) The registrar on receiving the account and in respect of each such meeting either of the returns hereinbefore mentioned shall forthwith register them, and on the expiration of three months from the registration thereof the company shall be deemed to be dissolved:

Provided that the court may, on the application of the liquidator or of any other person who appears to the court to be interested, make an order deferring the date at which the dissolution of the company is to take effect for such time as the court thinks fit.

(5) It shall be the duty of the person on whose application an order of the court under this section is made, within seven days after the making of the order, to deliver to the registrar an office copy of the order for registration, and if that person fails so to do he shall be liable to a fine not exceeding five pounds for every day during which the default continues.

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Provisions applicable to every Voluntary Winding Up.

Provisions applicable to every voluntary winding up.

246. The provisions contained in the nine sections of this Act next following shall apply to every voluntary winding up whether a members' or a creditors' winding up.

Distribution of property of company.

247. Subject to the provisions of this Act as to preferential payments, the property of a company shall, on its winding up, be applied in satisfaction of its liabilities pari passu, and, subject to such application, shall, unless the articles otherwise provide, be distributed among the members according to their rights and interests in the company.

Powers and duties of liquidator in voluntary winding up.

248.—(1) The liquidator may—

(*a*) in the case of a members' voluntary winding up, with the sanction of an extraordinary resolution of the company, and, in the case of a creditors' voluntary winding up, with the sanction of either the court or the committee of inspection, exercise any of the powers given by paragraphs (*d*), (*e*) and (*f*) of subsection (1) of section one hundred and ninety-one of this Act to a liquidator in a winding up by the court:

(*b*) without sanction, exercise any of the other powers by this Act given to the liquidator in a winding up by the court:

(*c*) exercise the power of the court under this Act of settling a list of contributories, and the list of contributories shall be primâ facie evidence of the liability of the persons named therein to be contributories:

(*d*) exercise the power of the court of making calls:

(*e*) summon general meetings of the company for the purpose of obtaining the sanction of the company by special or extraordinary resolution or for any other purpose he may think fit.

(2) The liquidator shall pay the debts of the company and shall adjust the rights of the contributories among themselves.

PART V. —*cont.*

(3) When several liquidators are appointed, any power given by this Act may be exercised by such one or more of them as may be determined at the time of their appointment, or, in default of such determination, by any number not less than two.

Power of court to appoint and remove liquidator in voluntary winding up.

249.—(1) If from any cause whatever there is no liquidator acting, the court may appoint a liquidator.

(2) The court may, on cause shown, remove a liquidator and appoint another liquidator.

Notice by liquidator of his appointment.

250.—(1) The liquidator shall, within twenty-one days after his appointment, deliver to the registrar of companies for registration a notice of his appointment in the form prescribed by the Board of Trade.

(2) If the liquidator fails to comply with the requirements of this section, he shall be liable to a fine not exceeding five pounds for every day during which the default continues.

Arrangement when binding on creditors.

251.—(1) Any arrangement entered into between a company about to be, or in the course of being, wound up and its creditors shall, subject to the right of appeal under this section, be binding on the company if sanctioned by an extraordinary resolution, and on the creditors if acceded to by three-fourths in number and value of the creditors.

(2) Any creditor or contributory may, within three weeks from the completion of the arrangement, appeal to the court against it, and the court may thereupon, as it thinks just, amend, vary, or confirm the arrangement.

Power to apply to court to have questions determined or powers exercised.

252.—(1) The liquidator or any contributory or creditor may apply to the court to determine any question arising in the winding up of a company, or to exercise, as respects the enforcing of calls, or any other matter, all or any of the powers which the court might exercise if the company were being wound up by the court.

(2) The court, if satisfied that the determination of the question or the required exercise of power will be just and beneficial, may accede wholly or partially to the application on such terms and conditions as it thinks fit, or may make such other order on the application as it thinks just.

PART V. —*cont.*

Power of court in Scotland to stay proceedings against company.

253.—(1) If the court, on the application of the liquidator in the winding up of a company registered in Scotland, so directs, no action or proceeding shall be proceeded with or commenced against the company except by leave of the court, and subject to such terms as the court may impose.

(2) Nothing in this section shall be taken to affect the practice or powers of the court as existing immediately before the commencement of this Act with respect to the staying of proceedings against a company registered in England and in course of being wound up.

Costs of voluntary winding up.

254. All costs, charges, and expenses properly incurred in the winding up, including the remuneration of the liquidator, shall be payable out of the assets of the company in priority to all other claims.

Saving for rights of creditors and contributories.

255. The winding up of a company shall not bar the right of any creditor or contributory to have it wound up by the court, but in the case of an application by a contributory, the court must be satisfied that the rights of the contributories will be prejudiced by a voluntary winding up.

(iv) WINDING UP SUBJECT TO SUPERVISION OF COURT.

Power to order winding up subject to supervision.

256. When a company has passed a resolution for voluntary winding up, the court may make an order that the voluntary winding up shall continue but subject to such supervision of the court, and with such liberty for creditors, contributories, or others to apply to the court, and generally on such terms and conditions, as the court thinks just.

Effect of petition for winding up subject to supervision.

257. A petition for the continuance of a voluntary winding up subject to the supervision of the court shall, for the purpose of giving jurisdiction to the court over actions, be deemed to be a petition for winding up by the court.

Application of ss. 173 and 174 to winding up subject to supervision.

258. A winding up subject to the supervision of the court shall, for the purposes of sections one hundred and seventy-three and one hundred and seventy-four of this Act, be deemed to be a winding up by the court.

PART V. —*cont.*

Power of court to appoint or remove liquidators.

259.—(1) Where an order is made for a winding up subject to supervision, the court may by that or any subsequent order appoint an additional liquidator.

(2) A liquidator appointed by the court under this section shall have the same powers, be subject to the same obligations, and in all respects stand in the same position, as if he had been duly appointed in accordance with the provisions of this Act with respect to the appointment of liquidators in a voluntary winding up.

(3) The court may remove any liquidator so appointed by the court or any liquidator continued under the supervision order and fill any vacancy occasioned by the removal, or by death or resignation.

Effect of supervision order.

260.—(1) Where an order is made for a winding up subject to supervision, the liquidator may, subject to any restrictions imposed by the court, exercise all his powers, without the sanction or intervention of the court, in the same manner as if the company were being wound up altogether voluntarily :

Provided that the powers specified in paragraphs (*d*), (*e*) and (*f*) of subsection (1) of section one hundred and ninety-one of this Act shall not be exercised by the liquidator except with the sanction of the court or, in a case where before the order the winding up was a creditor's voluntary winding up, with the sanction of either the court or the committee of inspection.

(2) A winding up subject to the supervision of the court is not a winding up by the court for the purpose of the provisions of this Act which are set out in the Ninth Schedule to this Act, but, subject as aforesaid, an order for a winding up subject to supervision shall for all purposes be deemed to be an order for winding up by the court :

Provided that, where the order for winding up subject to supervision was made in relation to a creditor's voluntary winding up in which a committee of inspection had been appointed, the order shall be deemed to be an order for winding up by the court for the purpose of section one hundred and ninety-nine (except subsection (1) thereof) and section two hundred and one of this Act, except in so far as the operation of those sections is excluded in a voluntary winding up by general rules.

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(v) PROVISIONS APPLICABLE TO EVERY MODE OF WINDING UP.

Proof and Ranking of Claims.

Debts of all descriptions to be proved.

261. In every winding up (subject in the case of insolvent companies to the application in accordance with the provisions of this Act of the law of bankruptcy) all debts payable on a contingency, and all claims against the company, present or future, certain or contingent, ascertained or sounding only in damages, shall be admissible to proof against the company, a just estimate being made, so far as possible, of the value of such debts or claims as may be subject to any contingency or sound only in damages, or for some other reason do not bear a certain value.

Application of bankruptcy rules in winding up of insolvent English companies.

262. In the winding up of an insolvent company registered in England the same rules shall prevail and be observed with regard to the respective rights of secured and unsecured creditors and to debts provable and to the valuation of annuities and future and contingent liabilities as are in force for the time being under the law of bankruptcy in England with respect to the estates of persons adjudged bankrupt, and all persons who in any such case would be entitled to prove for and receive dividends out of the assets of the company may come in under the winding up, and make such claims against the company as they respectively are entitled to by virtue of this section.

Ranking of claims in Scotland. 3 & 4 Geo. 5. c. 20.

263. In the winding up of a company registered in Scotland, the following provisions of the Bankruptcy (Scotland) Act, 1913, that is to say,

(*a*) the provisions of sections forty-five to sixty-two regarding voting and ranking for payment of dividends;

(*b*) sections ninety-six and one hundred and five, which respectively relate to the reckoning of majorities and to the interruption of prescription;

shall so far as is consistent with this Act apply in like manner as they apply in the sequestration of a bankrupt's estate, with the substitution of references to winding up for references to sequestration, of references to the court for references to the sheriff, of references to the liquidator for references to the trustee, and of references to the

company for references to the bankrupt, and with any other necessary modifications. Part V. —*cont.*

Preferential payments.

264.—(1) In a winding up there shall be paid in priority to all other debts—

(*a*) All parochial or other local rates due from the company at the relevant date, and having become due and payable within twelve months next before that date, and all assessed taxes, land tax, property or income tax assessed on the company up to the fifth day of April next before that date, and not exceeding in the whole one year's assessment;

(*b*) All wages or salary (whether or not earned wholly or in part by way of commission) of any clerk or servant in respect of services rendered to the company during four months next before the relevant date, not exceeding fifty pounds;

(*c*) All wages of any workman or labourer not exceeding twenty-five pounds, whether payable for time or for piece work, in respect of services rendered to the company during two months next before the relevant date:

Provided that, where any labourer in husbandry has entered into a contract for the payment of a portion of his wages in a lump sum at the end of the year of hiring, he shall have priority in respect of the whole of such sum, or a part thereof, as the court may decide to be due under the contract, proportionate to the time of service up to the relevant date;

(*d*) Unless the company is being wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company, or unless the company has at the commencement of the winding up under such a contract with insurers as is mentioned in section seven of the Workmen's Compensation Act, 1925, rights capable of being transferred to and vested in the workman, all amounts due in respect of any compensation or liability for compensation under the said Act accrued before the relevant date; 15 & 16 Geo. 5. c. 84.

(*e*) Unless the company is being wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company,

PART V. —*cont.*

all amounts due in respect of contributions payable during the twelve months next before the relevant date by the company as the employer of any persons under either—

(i) the National Health Insurance Acts, 1924 to 1928; or

15 & 16 Geo. 5. c. 70.

(ii) the Widows', Orphans' and Old Age Contributory Pensions Act, 1925; or

(iii) the Unemployment Insurance Acts, 1920 to 1929.

(2) Where any compensation under the Workmen's Compensation Act, 1925, is a weekly payment, the amount due in respect thereof shall, for the purposes of paragraph (*d*) of subsection (1) of this section, be taken to be the amount of the lump sum for which the weekly payment could, if redeemable, be redeemed if the employer made an application for that purpose under the said Act.

(3) Where any payment on account of wages or salary has been made to any clerk, servant, workman or labourer in the employment of a company out of money advanced by some person for that purpose, that person shall in a winding up have a right of priority in respect of the money so advanced and paid up to the amount by which the sum in respect of which that clerk, servant, workman or labourer would have been entitled to priority in the winding up has been diminished by reason of the payment having been made.

(4) The foregoing debts shall—

(*a*) Rank equally among themselves and be paid in full, unless the assets are insufficient to meet them, in which case they shall abate in equal proportions; and

(*b*) In the case of a company registered in England, so far as the assets of the company available for payment of general creditors are insufficient to meet them, have priority over the claims of holders of debentures under any floating charge created by the company, and be paid accordingly out of any property comprised in or subject to that charge.

(5) Subject to the retention of such sums as may be necessary for the costs and expenses of the winding

up, the foregoing debts shall be discharged forthwith so far as the assets are sufficient to meet them, and in the case of the debts to which priority is given by paragraph (*e*) of subsection (1) of this section formal proof thereof shall not be required except in so far as is otherwise provided by general rules.

(6) In the event of a landlord or other person distraining or having distrained on any goods or effects of the company within three months next before the date of a winding-up order, the debts to which priority is given by this section shall be a first charge on the goods or effects so distrained on, or the proceeds of the sale thereof:

Provided that, in respect of any money paid under any such charge, the landlord or other person shall have the same rights of priority as the person to whom the payment is made.

(7) In this section the expression "the relevant date" means—

(*a*) in the case of a company ordered to be wound up compulsorily which had not previously commenced to be wound up voluntarily, the date of the winding-up order; and

(*b*) in any other case, the date of the commencement of the winding up.

Effect of Winding Up on antecedent and other Transactions.

Fraudulent preference.

265.—(1) Any conveyance, mortgage, delivery of goods, payment, execution, or other act relating to property which would, if made or done by or against an individual, be deemed in his bankruptcy a fraudulent preference, shall, if made or done by or against a company, be deemed, in the event of its being wound up, a fraudulent preference of its creditors, and be invalid accordingly.

(2) For the purposes of this section, the commencement of the winding up shall be deemed to correspond with the presentation of the bankruptcy petition in the case of an individual.

(3) Any conveyance or assignment by a company of all its property to trustees for the benefit of all its creditors shall be void to all intents.

PART V. —*cont.*

(4) In the application to Scotland of this section, the expression "fraudulent preference" includes any alienation or preference which is voidable by statute or at common law on the ground of insolvency or notour bankruptcy, and the expression "bankruptcy petition" means petition for sequestration.

Effect of floating charge.

266. Where a company is being wound up, a floating charge on the undertaking or property of the company created within six months of the commencement of the winding up shall, unless it is proved that the company immediately after the creation of the charge was solvent, be invalid, except to the amount of any cash paid to the company at the time of or subsequently to the creation of, and in consideration for, the charge, together with interest on that amount at the rate of five per cent. per annum.

Disclaimer of onerous property in case of company wound up in England.

267.—(1) Where any part of the property of a company which is being wound up consists of land of any tenure burdened with onerous covenants, of shares or stock in companies, of unprofitable contracts, or of any other property that is unsaleable, or not readily saleable, by reason of its binding the possessor thereof to the performance of any onerous act, or to the payment of any sum of money, the liquidator of the company, notwithstanding that he has endeavoured to sell or has taken possession of the property, or exercised any act of ownership in relation thereto, may, with the leave of the court and subject to the provisions of this section, by writing signed by him, at any time within twelve months after the commencement of the winding up or such extended period as may be allowed by the court, disclaim the property:

Provided that, where any such property has not come to the knowledge of the liquidator within one month after the commencement of the winding up, the power under this section of disclaiming the property may be exercised at any time within twelve months after he has become aware thereof or such extended period as may be allowed by the court.

(2) The disclaimer shall operate to determine, as from the date of disclaimer, the rights, interest, and liabilities of the company, and the property of the company, in or in respect of the property disclaimed,

PART V. —*cont.*

but shall not, except so far as is necessary for the purpose of releasing the company and the property of the company from liability, affect the rights or liabilities of any other person.

(3) The court, before or on granting leave to disclaim, may require such notices to be given to persons interested, and impose such terms as a condition of granting leave, and make such other order in the matter as the court thinks just.

(4) The liquidator shall not be entitled to disclaim any property under this section in any case where an application in writing has been made to him by any persons interested in the property requiring him to decide whether he will or will not disclaim, and the liquidator has not, within a period of twenty-eight days after the receipt of the application or such further period as may be allowed by the court, given notice to the applicant that he intends to apply to the court for leave to disclaim, and, in the case of a contract, if the liquidator, after such an application as aforesaid, does not within the said period or further period disclaim the contract, the company shall be deemed to have adopted it.

(5) The court may, on the application of any person who is, as against the liquidator, entitled to the benefit or subject to the burden of a contract made with the company, make an order rescinding the contract on such terms as to payment by or to either party of damages for the non-performance of the contract, or otherwise as the court thinks just, and any damages payable under the order to any such person may be proved by him as a debt in the winding up.

(6) The court may, on an application by any person who either claims any interest in any disclaimed property or is under any liability not discharged by this Act in respect of any disclaimed property and on hearing any such persons as it thinks fit, make an order for the vesting of the property in or the delivery of the property to any persons entitled thereto, or to whom it may seem just that the property should be delivered by way of compensation for such liability as aforesaid, or a trustee for him, and on such terms as the court thinks just, and on any such vesting order being made, the property comprised therein shall vest accordingly in the person

PART V. —*cont.*

therein named in that behalf without any conveyance or assignment for the purpose:

Provided that, where the property disclaimed is of a leasehold nature, the court shall not make a vesting order in favour of any person claiming under the company, whether as under-lessee or as mortgagee by demise, including a chargee by way of legal mortgage, except upon the terms of making that person—

(*a*) subject to the same liabilities and obligations as those to which the company was subject under the lease in respect of the property at the commencement of the winding-up; or

(*b*) if the court thinks fit, subject only to the same liabilities and obligations as if the lease had been assigned to that person at that date;

and in either event (if the case so requires) as if the lease had comprised only the property comprised in the vesting order, and any mortgagee or under-lessee declining to accept a vesting order upon such terms shall be excluded from all interest in and security upon the property, and, if there is no person claiming under the company who is willing to accept an order upon such terms, the court shall have power to vest the estate and interest of the company in the property in any person liable either personally or in a representative character, and either alone or jointly with the company to perform the lessee's covenants in the lease, freed and discharged from all estates, incumbrances and interests created therein by the company.

(7) Any person injured by the operation of a disclaimer under this section shall be deemed to be a creditor of the company to the amount of the injury, and may accordingly prove the amount as a debt in the winding up.

(8) This section shall not apply in the case of a winding up in Scotland.

Restriction of rights of creditor as to execution or attachment in case of company being wound up in England.

268.—(1) Where a creditor has issued execution against the goods or lands of a company or has attached any debt due to the company, and the company is subsequently wound up, he shall not be entitled to retain the benefit of the execution or attachment against the liquidator in the winding up of the company unless he has completed the execution or attachment before the commencement of the winding up:

Provided that—

(*a*) where any creditor has had notice of a meeting having been called at which a resolution for voluntary winding-up is to be proposed, the date on which the creditor so had notice shall for the purposes of the foregoing provision be substituted for the date of the commencement of the winding up; and

(*b*) a person who purchases in good faith under a sale by the sheriff any goods of a company on which an execution has been levied shall in all cases acquire a good title to them against the liquidator.

(2) For the purposes of this section, an execution against goods shall be taken to be completed by seizure and sale, and an attachment of a debt shall be deemed to be completed by receipt of the debt, and an execution against land shall be deemed to be completed by seizure and, in the case of an equitable interest, by the appointment of a receiver.

(3) In this section the expression "goods" includes all chattels personal, and the expression "sheriff" includes any officer charged with the execution of a writ or other process.

(4) This section shall not apply in the case of a winding up in Scotland.

Duties of sheriff as to goods taken in execution.

269.—(1) Where any goods of a company are taken in execution, and, before the sale thereof or the completion of the execution by the receipt or recovery of the full amount of the levy, notice is served on the sheriff that a provisional liquidator has been appointed or that a winding-up order has been made or that a resolution for voluntary winding up has been passed, the sheriff shall, on being so required, deliver the goods and any money seized or received in part satisfaction of the execution to the liquidator, but the costs of the execution shall be a first charge on the goods or money so delivered, and the liquidator may sell the goods, or a sufficient part thereof, for the purpose of satisfying that charge.

(2) Where under an execution in respect of a judgment for a sum exceeding twenty pounds the goods

PART V. —*cont.*

of a company are sold or money is paid in order to avoid sale, the sheriff shall deduct the costs of the execution from the proceeds of the sale or the money paid and retain the balance for fourteen days, and if within that time notice is served on him of a petition for the winding up of the company having been presented or of a meeting having been called at which there is to be proposed a resolution for the voluntary winding up of the company and an order is made or a resolution is passed, as the case may be, for the winding up of the company, the sheriff shall pay the balance to the liquidator, who shall be entitled to retain it as against the execution creditor.

(3) In this section the expression "goods" includes all chattels personal, and the expression "sheriff" includes any officer charged with the execution of a writ or other process.

(4) This section shall not apply in the case of a winding up in Scotland.

Effect of diligence within 60 days of winding up in case of Scottish company, and in case of effects in Scotland of English company.

270.—(1) In the winding up of a company registered in Scotland, the following provisions shall have effect:—

(*a*) The winding up shall, as at the date of the commencement thereof, be equivalent to an arrestment in execution and decree of furthcoming, and to an executed or completed poinding, and no arrestment or poinding of the funds or effects of the company executed on or after the sixtieth day prior to that date shall be effectual, and those funds or effects or the proceeds of those effects if sold shall be made furthcoming to the liquidator:

Provided that any arrester or poinder before that date, who is thus deprived of the benefit of his diligence shall have preference out of those funds or effects for the expense bona fide incurred by him in such diligence:

(*b*) The winding up shall, as at the date aforesaid, be equivalent to a decree of adjudication of the heritable estates of the company for payment of the whole debts of the company, principal and interest, accumulated at the said date, subject to such preferable heritable rights

and securities as existed at the said date and are valid and unchallengeable, and the right to poind the ground hereinafter provided:

(*c*) The provisions of sections one hundred and eight to one hundred and thirteen and of section one hundred and sixteen of the Bankruptcy (Scotland) Act, 1913, shall, so far as is consistent with this Act, apply to the realisation of heritable estates affected by such heritable rights and securities as aforesaid; and for the purposes of this Act the words "sequestration" and "trustee" occurring in those sections shall mean respectively "winding up" and "liquidator," and the expression "the Lord Ordinary or the court" shall mean "the court" as defined by this Act with respect to Scotland:

(*d*) No poinding of the ground which has not been carried into execution by sale of the effects sixty days before the date aforesaid shall, except to the extent hereinafter provided, be available in any question with the liquidator:

Provided that no creditor who holds a security over the heritable estate preferable to the right of the liquidator shall be prevented from executing a poinding of the ground after the date aforesaid, but that poinding shall in competition with the liquidator be available only for the interest on the debt for the current half-yearly term, and for the arrears of interest for one year immediately before the commencement of that term.

(2) The provisions of this section shall, so far as relates to any estate or effects of the company situate in Scotland, apply in the case of a company registered in England as it applies in the case of a company registered in Scotland.

Offences antecedent to or in course of Winding Up.

Offences by officers of companies in liquidation.

271.—(1) If any person, being a past or present director, manager or other officer of a company which at the time of the commission of the alleged offence is being wound up, whether by or under the supervision of the court or voluntarily, or is subsequently ordered to be

PART V. —*cont.*

wound up by the court or subsequently passes a resolution for voluntary winding up—

(*a*) does not to the best of his knowledge and belief fully and truly discover to the liquidator all the property, real and personal, of the company, and how and to whom and for what consideration and when the company disposed of any part thereof, except such part as has been disposed of in the ordinary way of the business of the company; or

(*b*) does not deliver up to the liquidator, or as he directs, all such part of the real and personal property of the company as is in his custody or under his control, and which he is required by law to deliver up; or

(*c*) does not deliver up to the liquidator, or as he directs, all books and papers in his custody or under his control belonging to the company and which he is required by law to deliver up; or

(*d*) within twelve months next before the commencement of the winding up or at any time thereafter conceals any part of the property of the company to the value of ten pounds or upwards, or conceals any debt due to or from the company; or

(*e*) within twelve months next before the commencement of the winding up or at any time thereafter fraudulently removes any part of the property of the company to the value of ten pounds or upwards; or

(*f*) makes any material omission in any statement relating to the affairs of the company; or

(*g*) knowing or believing that a false debt has been proved by any person under the winding up, fails for the period of a month to inform the liquidator thereof; or

(*h*) after the commencement of the winding up prevents the production of any book or paper affecting or relating to the property or affairs of the company; or

(*i*) within twelve months next before the commencement of the winding up or at any time thereafter, conceals, destroys, mutilates, or falsifies, or is privy to the concealment, destruction, mutilation, or falsification of, any book or paper affecting or relating to the property or affairs of the company; or

(*j*) within twelve months next before the commencement of the winding up or at any time thereafter makes or is privy to the making of any false entry in any book or paper affecting or relating to the property or affairs of the company; or

(*k*) within twelve months next before the commencement of the winding up or at any time thereafter fraudulently parts with, alters, or makes any omission in, or is privy to the fraudulent parting with, altering, or making any omission in, any document affecting or relating to the property or affairs of the company; or

(*l*) after the commencement of the winding up or at any meeting of the creditors of the company within twelve months next before the commencement of the winding up attempts to account for any part of the property of the company by fictitious losses or expenses; or

(*m*) has within twelve months next before the commencement of the winding up or at any time thereafter, by any false representation or other fraud, obtained any property for or on behalf of the company on credit which the company does not subsequently pay for; or

(*n*) within twelve months next before the commencement of the winding up or at any time thereafter, under the false pretence that the company is carrying on its business, obtains on credit, for or on behalf of the company, any property which the company does not subsequently pay for; or

(*o*) within twelve months next before the commencement of the winding up or at any time

PART V. —*cont.*

thereafter pawns, pledges, or disposes of any property of the company which has been obtained on credit and has not been paid for, unless such pawning, pledging, or disposing is in the ordinary way of the business of the company; or

(*p*) is guilty of any false representation or other fraud for the purpose of obtaining the consent of the creditors of the company or any of them to an agreement with reference to the affairs of the company or to the winding up;

he shall be guilty of a misdemeanour and shall, in the case of the offences mentioned respectively in paragraphs (*m*), (*n*) and (*o*) of this subsection, be liable on conviction on indictment to penal servitude for a term not exceeding five years, or on summary conviction to imprisonment for a term not exceeding twelve months, and in the case of any other offence shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, or on summary conviction to imprisonment for a term not exceeding twelve months:

Provided that it shall be a good defence to a charge under any of paragraphs (*a*), (*b*), (*c*), (*d*), (*f*), (*n*) and (*o*), if the accused proves that he had no intent to defraud, and to a charge under any of paragraphs (*h*), (*i*) and (*j*), if he proves that he had no intent to conceal the state of affairs of the company or to defeat the law.

(2) Where any person pawns, pledges or disposes of any property in circumstances which amount to a misdemeanour under paragraph (*o*) of subsection (1) of this section, every person who takes in pawn or pledge or otherwise receives the property knowing it to be pawned, pledged, or disposed of in such circumstances as aforesaid shall be guilty of a misdemeanour, and on conviction thereof liable—

(*a*) in England to be punished in the same way as if he had received the property knowing it to have been obtained in circumstances amounting to a misdemeanour;

(*b*) in Scotland on conviction on indictment to penal servitude for a period not exceeding seven years,

or on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine.

(3) For the purposes of this section, the expression "director" shall include any person in accordance with whose directions or instructions the directors of a company have been accustomed to act.

Penalty for falsification of books.

272. If any director, manager or other officer, or contributory of any company being wound up destroys, mutilates, alters, or falsifies any books, papers, or securities, or makes or is privy to the making of any false or fraudulent entry in any register, book of account, or document belonging to the company with intent to defraud or deceive any person, he shall be guilty of a misdemeanour, and be liable to imprisonment for any term not exceeding two years, with or without hard labour.

Frauds by officers of companies which have gone into liquidation.

273. If any person, being at the time of the commission of the alleged offence a director, manager or other officer of a company which is subsequently ordered to be wound up by the court or subsequently passes a resolution for voluntary winding up—

(*a*) has by false pretences or by means of any other fraud induced any person to give credit to the company;

(*b*) with intent to defraud creditors of the company, has made or caused to be made any gift or transfer of or charge on, or has caused or connived at the levying of any execution against, the property of the company;

(*c*) with intent to defraud creditors of the company, has concealed or removed any part of the property of the company since, or within two months before, the date of any unsatisfied judgment or order for payment of money obtained against the company;

he shall be guilty of a misdemeanour and shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, or on summary conviction to imprisonment for a term not exceeding twelve months.

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Liability where proper accounts not kept.

274.—(1) If where a company is wound up it is shown that proper books of account were not kept by the company throughout the period of two years immediately preceding the commencement of the winding up, every director, manager or other officer of the company who was knowingly a party to or connived at the default of the company shall, unless he shows that he acted honestly or that in the circumstances in which the business of the company was carried on the default was excusable, be liable on conviction on indictment to imprisonment for a term not exceeding one year, or on summary conviction to imprisonment for a term not exceeding six months.

(2) For the purposes of this section, proper books of account shall be deemed not to have been kept in the case of any company if there have not been kept such books or accounts as are necessary to exhibit and explain the transactions and financial position of the trade or business of the company, including books containing entries from day to day in sufficient detail of all cash received and cash paid, and, where the trade or business has involved dealings in goods, statements of the annual stocktakings and (except in the case of goods sold by way of ordinary retail trade) of all goods sold and purchased, showing the goods and the buyers and sellers thereof in sufficient detail to enable those goods and those buyers and sellers to be identified.

Responsibility of directors for fraudulent trading.

275.—(1) If in the course of the winding up of a company it appears that any business of the company has been carried on with intent to defraud creditors of the company or creditors of any other person or for any fraudulent purpose, the court, on the application of the official receiver, or the liquidator or any creditor or contributory of the company, may, if it thinks proper so to do, declare that any of the directors, whether past or present, of the company who were knowingly parties to the carrying on of the business in manner aforesaid shall be personally responsible, without any limitation of liability, for all or any of the debts or other liabilities of the company as the court may direct.

(2) Where the court makes any such declaration, it may give such further directions as it thinks proper for the purpose of giving effect to that declaration, and in particular may make provision for making the

liability of any such director under the declaration a charge on any debt or obligation due from the company to him, or on any mortgage or charge or any interest in any mortgage or charge on any assets of the company held by or vested in him, or any company or person on his behalf, or any person claiming as assignee from or through the director, company or person, and may from time to time make such further order as may be necessary for the purpose of enforcing any charge imposed under this subsection.

For the purpose of this subsection, the expression "assignee" includes any person to whom or in whose favour, by the directions of the director, the debt, obligation, mortgage or charge was created, issued or transferred or the interest created, but does not include an assignee for valuable consideration (not including consideration by way of marriage) given in good faith and without notice of any of the matters on the ground of which the declaration is made.

(3) Where any business of a company is carried on with such intent or for such purpose as is mentioned in subsection (1) of this section, every director of the company who was knowingly a party to the carrying on of the business in manner aforesaid, shall be liable on conviction on indictment to imprisonment for a term not exceeding one year.

(4) The court may, in the case of any person in respect of whom a declaration has been made under subsection (1) of this section, or who has been convicted of an offence under subsection (3) of this section, order that that person shall not, without the leave of the court, be a director of or in any way, whether directly or indirectly, be concerned in or take part in the management of a company for such period, not exceeding five years, from the date of the declaration or of the conviction, as the case may be, as may be specified in the order, and if any person acts in contravention of an order made under this subsection he shall, in respect of each offence, be liable on conviction on indictment to imprisonment for a term not exceeding two years, or on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred pounds, or to both such imprisonment and fine.

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In this subsection the expression "the court" in relation to the making of an order, means the court by which the declaration was made or the court before which the person was convicted, as the case may be, and in relation to the granting of leave means any court having jurisdiction to wind up the company.

(5) For the purposes of this section, the expresssion "director" shall include any person in accordance with whose directions or instructions the directors of a company have been accustomed to act.

(6) The provisions of this section shall have effect notwithstanding that the person concerned may be criminally liable in respect of the matters on the ground of which the declaration is to be made, and where the declaration under subsection (1) of this section is made in the case of a winding up in England, the declaration shall be deemed to be a final judgment within the meaning of paragraph (*g*) of subsection (1) of section one of the Bankruptcy Act, 1914.

4 & 5 Geo. 5. c. 59.

(7) It shall be the duty of the official receiver or of the liquidator to appear on the hearing of an application for leave under subsection (4) of this section, and on the hearing of an application under that subsection or under subsection (1) of this section the official receiver or the liquidator, as the case may be, may himself give evidence or call witnesses.

Power of court to assess damages against delinquent directors, &c.

276.—(1) If in the course of winding up a company it appears that any person who has taken part in the formation or promotion of the company, or any past or present director, manager, or liquidator, or any officer of the company, has misapplied or retained or become liable or accountable for any money or property of the company, or been guilty of any misfeasance or breach of trust in relation to the company, the court may, on the application of the official receiver, or of the liquidator, or of any creditor or contributory, examine into the conduct of the promoter, director, manager, liquidator, or officer, and compel him to repay or restore the money or property or any part thereof respectively with interest at such rate as the court thinks just, or to contribute such sum to the assets of the company by way of compensation in respect of the

misapplication, retainer, misfeasance, or breach of trust as the court thinks just. PART V. —*cont.*

(2) The provisions of this section shall have effect notwithstanding that the offence is one for which the offender may be criminally liable.

(3) Where in the case of a winding up in England an order for payment of money is made under this section, the order shall be deemed to be a final judgment within the meaning of paragraph (*g*) of subsection (1) of section one of the Bankruptcy Act, 1914.

Prosecution of delinquent officers and members of company.

277.—(1) If it appears to the court in the course of a winding up by, or subject to the supervision of, the court that any past or present director, manager or other officer, or any member, of the company has been guilty of any offence in relation to the company for which he is criminally liable, the court may, either on the application of any person interested in the winding up or of its own motion, direct the liquidator—

(*a*) in the case of a winding up in England either himself to prosecute the offender or to refer the matter to the Director of Public Prosecutions;

(*b*) in the case of a winding up in Scotland to refer the matter to the Lord Advocate.

(2) If it appears to the liquidator in the course of a voluntary winding up that any past or present director, manager or other officer, or any member, of the company has been guilty of any offence in relation to the company for which he is criminally liable, he shall forthwith report the matter, in the case of a winding up in England, to the Director of Public Prosecutions, and, in the case of a winding up in Scotland, to the Lord Advocate, and shall furnish to the Director or Lord Advocate, as the case may be, such information and give to him such access to and facilities for inspecting and taking copies of any documents, being information or documents in the possession or under the control of the liquidator and relating to the matter in question, as they respectively may require.

(3) Where any report is made under the last foregoing subsection to the Director of Public Prosecutions or Lord Advocate, he may, if he thinks fit, refer the matter to the Board of Trade for further enquiry, and the Board

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shall thereupon investigate the matter and may if they think it expedient, apply to the court for an order conferring on the Board or any person designated by the Board for the purpose with respect to the company concerned all such powers of investigating the affairs of the company as are provided by this Act in the case of a winding up by the court.

(4) If on any report to the Director of Public Prosecutions under subsection (2) of this section it appears to him that the case is not one in which proceedings ought to be taken by him, he shall inform the liquidator accordingly, and thereupon, subject to the previous sanction of the court, the liquidator may himself take proceedings against the offender.

(5) If it appears to the court in the course of a voluntary winding up that any past or present director, manager or other officer, or any member, of the company has been guilty as aforesaid, and that no report with respect to the matter has been made by the liquidator to the Director of Public Prosecutions or the Lord Advocate under subsection (2) of this section, the court may, on the application of any person interested in the winding up or of its own motion, direct the liquidator to make such a report, and on a report being made accordingly the provisions of this section shall have effect as though the report had been made in pursuance of the provisions of subsection (2) of this section.

(6) If, where any matter is reported or referred to the Director of Public Prosecutions or Lord Advocate under this section, he considers that the case is one in which a prosecution ought to be instituted and, further, that it is desirable in the public interest that the proceedings in the prosecution should be conducted by him, he shall institute proceedings accordingly, and it shall be the duty of the liquidator and of every officer and agent of the company past and present (other than the defendant in the proceedings) to give him all assistance in connection with the prosecution which he is reasonably able to give.

For the purposes of this subsection, the expression "agent" in relation to a company shall be deemed to include any banker or solicitor of the company and any person employed by the company as auditor, whether that person is or is not an officer of the company.

PART V. —*cont.*

(7) If any person fails or neglects to give assistance in manner required by subsection (6) of this section, the court may, on the application of the Director of Public Prosecutions or Lord Advocate, as the case may be, direct that person to comply with the requirements of the said subsection, and where any such application is made with respect to a liquidator the court may, unless it appears that the failure or neglect to comply was due to the liquidator not having in his hands sufficient assets of the company to enable him so to do, direct that the costs of the application shall be borne by the liquidator personally.

(8) The Board of Trade, with the consent of the Treasury, may direct that the whole or any part of any costs and expenses properly incurred by the liquidator in proceedings duly brought by him under this section shall be defrayed as expenses incurred by the Board under this Act in relation to the winding up of companies in England and subsection (3) of section thirteen of the Economy (Miscellaneous Provisions) Act, 1926, shall apply accordingly.

Subject to any direction under this subsection and to any mortgages or charges on the assets of the company and any debts to which priority is given by section two hundred and sixty-four of this Act, all such costs and expenses as aforesaid shall be payable out of those assets in priority to all other liabilities payable thereout.

Supplementary Provisions as to Winding up.

Disqualification for appointment as liquidator.

278.—(1) A body corporate shall not be qualified for appointment as liquidator of a company, whether in a winding up by or under the supervision of the court or in a voluntary winding up, and any appointment made in contravention of this provision shall be void.

(2) Nothing in this section shall disqualify a body corporate from acting as liquidator of a company if acting under an appointment made before the third day of August, nineteen hundred and twenty-eight, but subject as aforesaid any body corporate which acts as liquidator of a company shall be liable to a fine not exceeding one hundred pounds.

(3) In the application of this section to Scotland the expression "body corporate" does not include a firm.

PART V. —*cont.* Enforcement of duty of liquidator to make returns, &c.

279.—(1) If any liquidator, who has made any default in filing, delivering or making any return, account or other document, or in giving any notice which he is by law required to file, deliver, make or give, fails to make good the default within fourteen days after the service on him of a notice requiring him to do so, the court may, on an application made to the court by any contributory or creditor of the company or by the registrar of companies, make an order directing the liquidator to make good the default within such time as may be specified in the order.

(2) Any such order may provide that all costs of and incidental to the application shall be borne by the liquidator.

(3) Nothing in this section shall be taken to prejudice the operation of any enactment imposing penalties on a liquidator in respect of any such default as aforesaid.

Notification that a company is in liquidation.

280.—(1) Where a company is being wound up, whether by or under the supervision of the court or voluntarily, every invoice, order for goods or business letter issued by or on behalf of the company or a liquidator of the company, or a receiver or manager of the property of the company, being a document on or in which the name of the company appears, shall contain a statement that the company is being wound up.

(2) If default is made in complying with this section, the company and every director, manager, secretary or other officer of the company, and every liquidator of the company and every receiver or manager, who knowingly and wilfully authorises or permits the default, shall be liable to a fine of twenty pounds.

Exemption of certain documents from stamp duty on winding up of companies.

281.—(1) In the case of a winding up by the court of a company registered in England, or of a creditors' voluntary winding up of such a company—

(*a*) every assurance relating solely to freehold or leasehold property, or to any mortgage, charge or other encumbrance on, or any estate, right or interest in, any real or personal property, which forms part of the assets of the company and which, after the execution of the assurance, either at law or in equity, is or remains part of the assets of the company; and

PART V. —*cont.*

(*b*) every power of attorney, proxy paper, writ, order, certificate, affidavit, bond or other instrument or writing relating solely to the property of any company which is being so wound up, or to any proceeding under any such winding-up,

shall be exempt from duties chargeable under the enactments relating to stamp duties.

(2) In the case of such a winding up as aforesaid of a company registered in Scotland,

(*a*) every conveyance relating solely to property which forms part of the assets of the company and which, after the execution of the conveyance, is or remains the property of the company for the benefit of its creditors; and

(*b*) every power of attorney, commission, factory, oath, affidavit, articles of roup or sale, submission, decree arbitral, and every other instrument and writing whatsoever relating solely to the property of the company; and

(*c*) every deed or writing forming a part of the proceedings in the winding up,

shall be exempt from duties chargeable under the enactments relating to stamp duties.

(3) In subsection (1) of this section the expression "assurance" includes deed, conveyance, assignment and surrender, and in subsection (2) of this section the expression "conveyance" includes assignation, instrument, discharge, writing and deed.

Books of company to be evidence.

282. Where a company is being wound up, all books and papers of the company and of the liquidators shall, as between the contributories of the company, be primâ facie evidence of the truth of all matters purporting to be therein recorded.

Disposal of books and papers of company.

283.—(1) When a company has been wound up and is about to be dissolved, the books and papers of the company and of the liquidators may be disposed of as follows, that is to say:—

(*a*) In the case of a winding up by, or subject to the supervision of, the court in such way as the court directs;

(*b*) In the case of a members' voluntary winding up, in such way as the company by extraordinary

PART V. —*cont.*

resolution directs, and, in the case of a creditors' voluntary winding up, in such way as the committee of inspection or, if there is no such committee, as the creditors of the company, may direct.

(2) After five years from the dissolution of the company no responsibility shall rest on the company, the liquidators, or any person to whom the custody of the books and papers has been committed, by reason of any book or paper not being forthcoming to any person claiming to be interested therein.

(3) Provision may be made by general rules for enabling the Board of Trade to prevent, for such period (not exceeding five years from the dissolution of the company) as the Board think proper, the destruction of the books and papers of a company which has been wound up, and for enabling any creditor or contributory of the company to make representations to the Board, and to appeal to the court from any direction which may be given by the Board in the matter.

(4) If any person acts in contravention of any general rules made for the purposes of this section or of any direction of the Board thereunder, he shall be liable to a fine not exceeding one hundred pounds.

Information as to pending liquidations.

284.—(1) If where a company is being wound up the winding up is not concluded within one year after its commencement, the liquidator shall, at such intervals as may be prescribed, until the winding up is concluded, send to the registrar of companies a statement in the prescribed form and containing the prescribed particulars with respect to the proceedings in and position of the liquidation.

(2) Any person stating himself in writing to be a creditor or contributory of the company shall be entitled, by himself or by his agent, at all reasonable times, on payment of the prescribed fee, to inspect the statement, and to receive a copy thereof or extract therefrom.

(3) If a liquidator fails to comply with this section, he shall be liable to a fine not exceeding fifty pounds for each day during which the default continues, and any person untruthfully stating himself as aforesaid to be a creditor or contributory shall be guilty of a contempt of court, and shall, on the application of the

liquidator or of the official receiver, be punishable accordingly. PART V. —*cont.*

Unclaimed assets in England to be paid to Companies Liquidation Account.

285.—(1) If, where a company is being wound up in England, it appears either from any statement sent to the registrar under the last foregoing section or otherwise that a liquidator has in his hands or under his control any money representing unclaimed or undistributed assets of the company which have remained unclaimed or undistributed for six months after the date of their receipt, the liquidator shall forthwith pay the said money to the Companies Liquidation Account at the Bank of England, and shall be entitled to the prescribed certificate of receipt for the money so paid, and that certificate shall be an effectual discharge to him in respect thereof.

(2) For the purpose of ascertaining and getting in any money payable into the Bank of England in pursuance of this section, the like powers may be exercised, and by the like authority, as are exerciseable under section one hundred and fifty-three of the Bankruptcy Act, 1914, for the purpose of ascertaining and getting in the sums, funds, and dividends referred to in that section.

(3) Any person claiming to be entitled to any money paid into the Bank of England in pursuance of this section may apply to the Board of Trade for payment thereof, and the Board may, on a certificate by the liquidator that the person claiming is entitled, make an order for the payment to that person of the sum due.

(4) Any person dissatisfied with the decision of the Board of Trade in respect of a claim made in pursuance of this section may appeal to the High Court.

Unclaimed dividends, &c. in Scotland to be lodged in bank.

286. When a company registered in Scotland has been wound up, and is about to be dissolved, the liquidator shall lodge in a joint stock bank of issue in Scotland (not being a bank in or of which the liquidator is acting partner, manager, agent or cashier) in the name of the Accountant of Court the whole unclaimed dividends and unapplied or undistributable balances, and the deposit receipts therefor shall be transmitted to the Accountant of Court, and the provisions of section one hundred and fifty-three of the Bankruptcy (Scotland) Act, 1913, so far as consistent with this Act, shall, with

PART V. —*cont.*

any necessary modifications, apply to sums lodged in a bank in pursuance of this section in like manner as they apply to sums deposited in pursuance of that enactment.

Resolutions passed at adjourned meetings of creditors and contributories.

287. Where after the commencement of this Act a resolution is passed at an adjourned meeting of any creditors or contributories of a company, the resolution shall, for all purposes, be treated as having been passed on the date on which it was in fact passed, and shall not be deemed to have been passed on any earlier date.

Supplementary Powers of Court.

Meetings to ascertain wishes of creditors or contributories.

288.—(1) The court may, as to all matters relating to the winding up of a company, have regard to the wishes of the creditors or contributories of the company, as proved to it by any sufficient evidence, and may, if it thinks fit, for the purpose of ascertaining those wishes, direct meetings of the creditors or contributories to be called, held, and conducted in such manner as the court directs, and may appoint a person to act as chairman of any such meeting and to report the result thereof to the court.

(2) In the case of creditors, regard shall be had to the value of each creditor's debt.

(3) In the case of contributories, regard shall be had to the number of votes conferred on each contributory by this Act or the articles.

Judicial notice of signature of officers.

289. In all proceedings under this Part of this Act, all courts, judges, and persons judicially acting, and all officers, judicial or ministerial, of any court, or employed in enforcing the process of any court, shall take judicial notice of the signature of any officer of the High Court or of a county court in England, or of the Court of Session or of a sheriff court in Scotland, or of the High Court in Northern Ireland, and also of the official seal or stamp of the several offices of the High Court in England or Northern Ireland, or of the Court of Session, appended to or impressed on any document made, issued, or signed under the provisions of this Part of this Act, or any official copy thereof.

PART V. —*cont.*

Special commission for receiving evidence.

290.—(1) The judges of the county courts in England who sit at places more than twenty miles from the General Post Office, and in Northern Ireland the judge exercising the bankruptcy jurisdiction of the High Court and county court judges and recorders, and the sheriffs of counties in Scotland, shall be commissioners for the purpose of taking evidence under this Act, where a company is wound up in England or Scotland, and the court may refer the whole or any part of the examination of any witnesses under this Act to any person hereby appointed commissioner, although he is out of the jurisdiction of the court that made the winding up order.

(2) Every commissioner shall, in addition to any powers which he might lawfully exercise as a judge of county courts, judge exercising the said bankruptcy jurisdiction, county court judge, recorder or sheriff, have in the matter so referred to him all the same powers of summoning and examining witnesses, of requiring the production or delivery of documents, of punishing defaults by witnesses, and of allowing costs and expenses to witnesses, as the court which made the winding-up order.

(3) The examination so taken shall be returned or reported to the court which made the order in such manner as that court directs.

Court may order examination of persons in Scotland.

291.—(1) The court may direct the examination in Scotland of any person for the time being in Scotland, whether a contributory of the company or not, in regard to the trade, dealings, affairs or property of any company in course of being wound up, or of any person being a contributory of the company, so far as the company may be interested therein by reason of his being a contributory.

(2) The order or commission to take the examination aforesaid shall be directed to the sheriff of the county in which the person to be examined is residing or happens to be for the time, and the sheriff shall summon that person to appear before him at a time and place to be specified in the summons for examination on oath as a witness or as a haver, and to produce any books or papers called for which are in his possession or power.

(3) The sheriff may take the examination either orally or on written interrogatories, and shall report the same in writing in the usual form to the court, and shall

PART V. —*cont.*

transmit with the report the books and papers produced, if the originals thereof are required and specified by the order or commission, or otherwise copies thereof or extracts therefrom authenticated by the sheriff.

(4) If any person so summoned fails to appear at the time and place specified, or refuses to be examined or to make the production required, the sheriff shall proceed against him as a witness or haver duly cited and failing to appear or refusing to give evidence or make production may be proceeded against by the law of Scotland.

(5) The sheriff shall be entitled to such fees, and the witness shall be entitled to such allowances, as sheriffs when acting as commissioners under appointment from the Court of Session and as witnesses and havers are entitled to in the like cases according to the law and practice of Scotland.

(6) If any objection is stated to the sheriff by the witness, either on the ground of his incompetency as a witness, or as to the production required, or on any other ground, the sheriff may, if he thinks fit, report the objection to the court, and suspend the examination of the witness until it has been disposed of by the court.

Costs of application for leave to proceed against company being wound up in Scotland.

292.—(1) Where any petition or application for leave to proceed with an action or proceeding against a company which is being wound up in Scotland is unopposed and is granted by the court, the costs of such petition or application shall, unless the court otherwise directs, be added to the amount of the claim of the petitioner or applicant against the company.

(2) Nothing in this section shall be taken to affect the practice or powers of the court as existing immediately before the commencement of this Act with respect to the costs of an application for leave to proceed with an action or proceeding against a company which is being wound up in England.

Affidavits, &c. in United Kingdom and dominions.

293.—(1) Any affidavit required to be sworn under the provisions or for the purposes of this Part of this Act may be sworn in the United Kingdom, or elsewhere within the dominions of His Majesty, before any court, judge, or person lawfully authorised to take and receive affidavits or before any of His Majesty's consuls or vice-consuls in any place outside His Majesty's dominions.

(2) All courts, judges, justices, commissioners, and persons acting judicially shall take judicial notice of the seal or stamp or signature, as the case may be, of any such court, judge, person, consul, or vice-consul attached, appended, or subscribed to any such affidavit, or to any other document to be used for the purposes of this Part of this Act.

Provisions as to Dissolution.

Power of court to declare dissolution of company void.

294.—(1) Where a company has been dissolved, the court may at any time within two years of the date of the dissolution, on an application being made for the purpose by the liquidator of the company or by any other person who appears to the court to be interested, make an order, upon such terms as the court thinks fit, declaring the dissolution to have been void, and thereupon such proceedings may be taken as might have been taken if the company had not been dissolved.

(2) It shall be the duty of the person on whose application the order was made, within seven days after the making of the order, or such further time as the court may allow, to deliver to the registrar of companies for registration an office copy of the order, and if that person fails so to do he shall be liable to a fine not exceeding five pounds for every day during which the default continues.

Registrar may strike defunct company off register.

295.—(1) Where the registrar of companies has reasonable cause to believe that a company is not carrying on business or in operation, he may send to the company by post a letter inquiring whether the company is carrying on business or in operation.

(2) If the registrar does not within one month of sending the letter receive any answer thereto, he shall within fourteen days after the expiration of the month send to the company by post a registered letter referring to the first letter, and stating that no answer thereto has been received, and that if an answer is not received to the second letter within one month from the date thereof, a notice will be published in the Gazette with a view to striking the name of the company off the register.

(3) If the registrar either receives an answer to the effect that the company is not carrying on business or in operation, or does not within one month after

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sending the second letter receive any answer, he may publish in the Gazette, and send to the company by post, a notice that at the expiration of three months from the date of that notice the name of the company mentioned therein will, unless cause is shown to the contrary, be struck off the register and the company will be dissolved.

(4) If, in any case where a company is being wound up, the registrar has reasonable cause to believe either that no liquidator is acting, or that the affairs of the company are fully wound up, and the returns required to be made by the liquidator have not been made for a period of six consecutive months, the registrar shall publish in the Gazette and send to the company or the liquidator, if any, a like notice as is provided in the last preceding subsection.

(5) At the expiration of the time mentioned in the notice the registrar may, unless cause to the contrary is previously shown by the company, strike its name off the register, and shall publish notice thereof in the Gazette, and on the publication in the Gazette of this notice the company shall be dissolved:

Provided that—

(*a*) the liability, if any, of every director, managing officer, and member of the company shall continue and may be enforced as if the company had not been dissolved; and

(*b*) nothing in this subsection shall affect the power of the court to wind up a company the name of which has been struck off the register.

(6) If a company or any member or creditor thereof feels aggrieved by the company having been struck off the register, the court on an application made by the company or member or creditor before the expiration of twenty years from the publication in the Gazette of the notice aforesaid may, if satisfied that the company was at the time of the striking off carrying on business or in operation, or otherwise that it is just that the company be restored to the register, order the name of the company to be restored to the register, and upon an office copy of the order being delivered to the registrar for registration the company shall be deemed to have continued in existence as if its name had not been struck off; and the court may by the

order give such directions and make such provisions as seem just for placing the company and all other persons in the same position as nearly as may be as if the name of the company had not been struck off.

(7) A notice to be sent under this section to a liquidator may be addressed to the liquidator at his last known place of business, and a letter or notice to be sent under this section to a company may be addressed to the company at its registered office, or, if no office has been registered, to the care of some director or officer of the company, or, if there is no director or officer of the company whose name and address are known to the registrar of companies, may be sent to each of the persons who subscribed the memorandum, addressed to him at the address mentioned in the memorandum.

Property of dissolved company to be bona vacantia.

296. Where a company is dissolved, all property and rights whatsoever vested in or held on trust for the company immediately before its dissolution (including leasehold property but not including property held by the company on trust for any other person) shall, subject and without prejudice to any order which may at any time be made by the court under the two last foregoing sections of this Act, be deemed to be bona vacantia and shall accordingly belong to the Crown, or to the Duchy of Lancaster or to the Duke of Cornwall for the time being, as the case may be, and shall vest and may be dealt with in the same manner as other bona vacantia accruing to the Crown, to the Duchy of Lancaster or to the Duke of Cornwall.

Special Provisions as to Stannaries.

Attachment of debt due to contributory on winding up in stannaries court.

297. When several companies are in course of liquidation by or under the supervision of the court exercising the stannaries jurisdiction and acting under that jurisdiction, if it appears to the judge that a person who is a contributory of one of the companies is also a creditor claiming a debt against one of the other companies, the judge may (if after inquiry he thinks fit) direct that the debt, when allowed, shall be attached, and payment thereof to the creditor suspended for a time certain as a security for payment of any calls that are or may in course of liquidation become due from him to the company of which he is a contributory; and the

PART V. —*cont.*

amount thereof shall be applied to such payment in due course:

Provided that such an order of attachment shall not prejudice any claim which the company so indebted to the creditor may have against him by way of set off, counterclaim, or otherwise, or any lawful claim of lien or specific charge on the debt in favour of any third person.

Preferential payments in stannaries cases.

298. In the application to companies within the stannaries of the provisions of this Act with respect to preferential payments, the following modifications shall be made:—

(1) In the case of a clerk or servant of such a company, the priority with respect to wages and salary given by this Act shall be given to the extent of three months only, instead of four months, and shall not extend to the principal agent, manager, purser or secretary;

(2) All wages in relation to the mine of a miner, artizan, or labourer employed in or about the mine, including all earnings by a miner arising from any description of piece or other work, or as a tributer or otherwise, but not exceeding an amount equal to three months wages, shall be included amongst the payments which are, under this Act, to be made in priority to other debts:

(3) The following debts, that is to say:—

(*a*) wages of any miner, artizan, or labourer, unpaid at the commencement of the winding up; and

(*b*) all such amounts due in respect of any compensation or liability for compensation under the Workmen's Compensation Act, 1925, payable to a miner or the dependants of a miner as are given priority by paragraph (*d*) of subsection (1) of section two hundred and sixty-four of this Act; and

(*c*) all such amounts due in respect of contributions payable in respect of a miner under the enactments mentioned in paragraph (*e*) of the said subsection (1) as are given priority by that paragraph;

shall be paid by the liquidator forthwith in priority to all costs, except (in the case of a winding up by the court) such costs of and incidental to the making of the winding up order as in the opinion of the court have been properly incurred, and to all claims by mortgagees, execution creditors, or any other persons, except the claims of clerks and servants in respect of their wages or salary.

(4) Subject as aforesaid, the court may, by order, charge the whole or any part of the assets of the company, in priority to all claims and to all existing mortgages or charges thereon, with the payment of a sum sufficient to discharge the debts to be paid in priority under the last foregoing paragraph, together with interest thereon at a rate not exceeding five per cent. per annum, and this charge may be made in favour of any person who is willing to advance the requisite amount or any part thereof, and as soon as the said sum has been so advanced, the said debts shall be paid without delay so far as the amount advanced extends, and in such order of payment as the court directs.

(5) The provision giving a right of priority to a person who has advanced money for the making of payments on account of wages and salaries shall have effect subject to the modifications contained in this section.

Provisions as to mine club funds.

299.—(1) On the winding up of a company within the stannaries, contributions of the miners, artizans, or labourers for the purpose of a mine club, or accident, or sick, or benefit fund shall not be deemed to be, or be applied as part of the assets of the company in liquidation of the debts of the company or otherwise, but shall be accounted for by the purser or any other person in possession of the fund to the liquidator, and shall be recoverable by him, and be applied in accordance with the rules of the club.

(2) Where the winding up is a voluntary winding up, any person claiming to be entitled to any such contributions or fund shall have the same right as the liquidator of applying to the court for directions, or to determine any question arising in the matter.

PART V. —*cont.*

Central Accounts.

Companies Liquidation Account.

300.—(1) An account, to be called the Companies Liquidation Account, shall be kept by the Board of Trade with the Bank of England, and all moneys received by the Board in respect of proceedings under this Act in connexion with the winding up of companies in England shall be paid to that account.

(2) All payments out of money standing to the credit of the Board of Trade in the Companies Liquidation Account shall be made by the Bank of England in the prescribed manner.

Investment of surplus funds on general account.

301.—(1) Whenever the cash balance standing to the credit of the Companies Liquidation Account is in excess of the amount which in the opinion of the Board of Trade is required for the time being to answer demands in respect of companies' estates, the Board shall notify the excess to the Treasury, and shall pay over the whole or any part of that excess as the Treasury may require, to the Treasury, to such account as the Treasury may direct, and the Treasury may invest the sums paid over, or any part thereof, in Government securities, to be placed to the credit of the said account.

(2) When any part of the money so invested is, in the opinion of the Board of Trade, required to answer any demands in respect of companies' estates, the Board shall notify to the Treasury the amount so required, and the Treasury shall thereupon repay to the Board such sum as may be required to the credit of the Companies Liquidation Account, and for that purpose may direct the sale of such part of the said securities as may be necessary.

(3) The dividends on investments under this section shall be paid into the Bankruptcy and Companies Winding-up (Fees) Account established under the Economy (Miscellaneous Provisions) Act, 1926.

Separate accounts of particular estates.

302.—(1) An account shall be kept by the Board of Trade of the receipts and payments in the winding up of each company in England, and, when the cash balance standing to the credit of the account of any company is in excess of the amount which, in the opinion of the

committee of inspection, is required for the time being to answer demands in respect of that company's estate, the Board shall, on the request of the committee, invest the amount not so required in Government securities, to be placed to the credit of the said account for the benefit of the company.

(2) When any part of the money so invested is, in the opinion of the committee of inspection, required to answer any demands in respect of the estate of the company, the Board of Trade shall, on the request of the committee, raise such sum as may be required by the sale of such part of the said securities as may be necessary.

(3) The dividends on investments under this section shall be paid to the credit of the company.

(4) When the balance at the credit of any company's account in the hands of the Board of Trade exceeds two thousand pounds, and the liquidator gives notice to the Board that the excess is not required for the purposes of the liquidation, the company shall be entitled to interest on the excess at the rate of two per cent. per annum.

Officers.

Officers and remuneration.

303.—(1) The Board of Trade may, with the approval of the Treasury, appoint such additional officers as may be required by the Board for the execution as respects England of this Part of this Act, and may remove any person so appointed.

(2) The Board of Trade, with the concurrence of the Treasury, shall direct whether any and what remuneration is to be allowed to any officer of, or person attached to, the Board performing any duties under this Part of this Act in relation to the winding up of companies in England, and may vary, increase, or diminish that remuneration as they think fit.

Returns by officers in English winding up.

304. The officers of the courts acting in the winding up of companies in England shall make to the Board of Trade such returns of the business of their respective courts and offices, at such times, and in such manner and form, as may be prescribed, and from those returns the Board shall cause books to be prepared which shall, under the regulations of the Board, be open for public information and searches.

PART V. —*cont.*

Rules and Fees.

General rules and fees for winding up.

305.—(1) The Lord Chancellor may, with the concurrence of the President of the Board of Trade, make general rules for carrying into effect the objects of this Act so far as relates to the winding up of companies in England, and the Court of Session may by Act of Sederunt make general rules for carrying into effect the objects of this Act so far as relates to the winding up of companies in Scotland.

(2) All rules made under this section shall be laid before Parliament within three weeks after they are made, if Parliament is then sitting, and, if Parliament is not sitting, within three weeks after the beginning of the next session of Parliament, and shall be judicially noticed, and shall have effect as if enacted by this Act.

(3) There shall be paid in respect of proceedings under this Act in relation to the winding up of companies in England such fees as the Lord Chancellor may, with the sanction of the Treasury, direct, and the Treasury may direct by whom and in what manner the same are to be collected and accounted for:

Provided that in fixing the fees aforesaid regard shall be had to the provisions of section fourteen of the Economy (Miscellaneous Provisions) Act, 1926.

(4) All rules made and directions given by the Lord Chancellor under this section shall be adopted by the authority for the time being empowered to make rules for regulating the practice or procedure in the Chancery Court of the County Palatine of Lancaster, but as so adopted shall have effect with the substitution of the words "vice-chancellor" for the word "judge," and of the word "registrar" for the word "master," and of the words "chambers of the registrar" for the words "chambers of the judge" and "judge's chambers," and any directions as to the remuneration to be allowed to officers of that court in respect of proceedings under this Act shall be subject to the sanction of the Chancellor of the Duchy and County Palatine of Lancaster.

Part VI.

Receivers and Managers.

Disqualification for appointment as receiver.

306.—(1) A body corporate shall not be qualified for appointment as receiver of the property of a company.

(2) Nothing in this section shall disqualify a body corporate from acting as receiver as aforesaid if acting under an appointment made before the third day of August, nineteen hundred and twenty-eight, but subject as aforesaid any body corporate which acts as receiver as aforesaid shall be liable to a fine not exceeding one hundred pounds.

(3) In the application of this section to Scotland the expression "body corporate" does not include a firm.

Power in England to appoint official receiver as receiver for debenture holders or creditors.

307. Where an application is made to the court to appoint a receiver on behalf of the debenture holders or other creditors of a company which is being wound up by the court in England, the official receiver may be so appointed.

Notification that receiver or manager appointed.

308.—(1) Where a receiver or manager of the property of a company has been appointed, every invoice, order for goods or business letter issued by or on behalf of the company or the receiver or manager or the liquidator of the company, being a document on or in which the name of the company appears, shall contain a statement that a receiver or manager has been appointed.

(2) If default is made in complying with the requirements of this section, the company and every director, manager, secretary or other officer of the company, and every liquidator of the company, and every receiver or manager, who knowingly and wilfully authorises or permits the default, shall be liable to a fine of twenty pounds.

Power of court to fix remuneration on application of liquidator.

309. The Court may, on an application made to the court by the liquidator of a company, by order fix the amount to be paid by way of remuneration to any person who, under the powers contained in any instrument, has been appointed as receiver or manager of the property of the company, and may from time to time, on an application made either by the liquidator or by

PART VI. —*cont.*

the receiver or manager, vary or amend any order so made.

Delivery to registrar of accounts of receivers and managers.

310.—(1) Every receiver or manager of the property of a company who has been appointed under the powers contained in any instrument shall, within one month, or such longer period as the registrar of companies may allow, after the expiration of the period of six months from the date of his appointment and of every subsequent period of six months, and within one month after he ceases to act as receiver or manager, deliver to the registrar of companies for registration an abstract in the prescribed form showing his receipts and his payments during that period of six months, or, where he ceases to act as aforesaid, during the period from the end of the period to which the last preceding abstract related up to the date of his so ceasing, and the aggregate amount of his receipts and of his payments during all preceding periods since his appointment.

(2) Every receiver or manager who makes default in complying with the provisions of this section shall be liable to a fine not exceeding five pounds for every day during which the default continues.

Enforcement of duty of receiver to make returns, &c.

311.—(1) If

(*a*) any receiver of the property of a company, who has made default in filing, delivering or making any return, account or other document or in giving any notice, which a receiver is by law required to file, deliver, make or give, fails to make good the default within fourteen days after the service on him of a notice requiring him to do so; or

(*b*) any receiver or manager of the property of a company who has been appointed under the powers contained in any instrument, has, after being required at any time by the liquidator of the company so to do, failed to render proper accounts of his receipts and payments and to pay over to the liquidator the amount properly payable to him;

the court may, on an application made for the purpose, make an order directing the receiver or manager, as the case may be, to make good the default within such time as may be specified in the order.

(2) In the case of any such default as is mentioned in paragraph (*a*) of the last preceding subsection an application for the purposes of this section may be made by any member or creditor of the company or by the registrar of companies, and the order may provide that all costs of and incidental to the application shall be borne by the receiver, and in the case of any such default as is mentioned in paragraph (*b*) of that subsection the application shall be made by the liquidator.

(3) Nothing in this section shall be taken to prejudice the operation of any enactments imposing penalties on receivers in respect of such default as is mentioned in paragraph (*a*) of subsection (1) of this section.

Part VII.

General Provisions as to Registration.

Registration offices in England and Scotland.

312.—(1) For the purposes of the registration of companies under this Act, there shall be offices in England and Scotland at such places as the Board of Trade think fit.

(2) The Board of Trade may appoint such registrars, assistant registrars, clerks, and servants as the Board think necessary for the registration of companies under this Act, and may make regulations with respect to their duties, and may remove any persons so appointed.

(3) The salaries of the persons appointed under this section shall be fixed by the Board of Trade with the concurrence of the Treasury, and shall be paid out of money provided by Parliament.

(4) The Board of Trade may require that the office of the registrar of the court exercising in respect of the winding up of companies the stannaries jurisdiction shall be one of the offices for the registration of companies within that jurisdiction.

(5) The Board may direct a seal or seals to be prepared for the authentication of documents required for or connected with the registration of companies.

(6) Whenever any act is by this Act directed to be done to or by the registrar of companies, it shall, until the Board of Trade otherwise directs, be done to or by

PART VII. —*cont.*

the existing registrar of companies in England or Scotland, as the case may be, or in his absence to or by such person as the Board may for the time being authorise:

Provided that, in the event of the Board altering the constitution of the existing registry offices or any of them, any such act shall be done to or by such officer and at such place with reference to the local situation of the registered offices of the companies to be registered as the Board may appoint.

Fees.

313.—(1) There shall be paid to the registrar in respect of the several matters mentioned in the Table set out in the Tenth Schedule to this Act the several fees therein specified.

(2) All fees paid to the registrar in pursuance of this Act shall be paid into the Exchequer.

Inspection, production and evidence of documents kept by registrar.

314.—(1) Any person may inspect the documents kept by the registrar of companies on payment of such fees as may be appointed by the Board of Trade, not exceeding one shilling for each inspection, and any person may require a certificate of the incorporation of any company, or a copy or extract of any other document or any part of any other document, to be certified by the registrar, on payment for the certificate, certified copy or extract, of such fees as the Board of Trade may appoint, not exceeding five shillings for a certificate of incorporation and not exceeding sixpence for each folio of a certified copy or extract:

Provided that, where a company has been dissolved under this Act, the registrar may, at any time after the expiration of two years from the date of the dissolution, direct that any documents in his custody relating to that company may be removed to the Public Record Office, and documents in respect of which any such direction is given shall be disposed of in accordance with the provisions of the Public Record Office Acts, 1838 to 1898, and the rules made thereunder.

(2) No process for compelling the production of any document kept by the registrar shall issue from any court except with the leave of that court, and any such process if issued shall bear thereon a statement that it is issued with the leave of the court.

PART VII. —*cont.*

(3) A copy of or extract from any document kept and registered at any of the offices for the registration of companies in England or Scotland, certified to be a true copy under the hand of the registrar (whose official position it shall not be necessary to prove), shall in all legal proceedings be admissible in evidence as of equal validity with the original document.

(4) In the application of this section to Scotland, as in its application to England, a folio shall be deemed to consist of seventy-two words.

Enforcement of duty of company to make returns to registrar.

315.—(1) If a company, having made default in complying with any provision of this Act which requires it to file with, deliver or send to the registrar of companies any return, account or other document, or to give notice to him of any matter, fails to make good the default within fourteen days after the service of a notice on the company requiring it to do so, the court may, on an application made to the court by any member or creditor of the company or by the registrar of companies, make an order directing the company and any officer thereof to make good the default within such time as may be specified in the order.

(2) Any such order may provide that all costs of and incidental to the application shall be borne by the company or by any officers of the company responsible for the default.

(3) Nothing in this section shall be taken to prejudice the operation of any enactment imposing penalties on a company or its officers in respect of any such default as aforesaid.

PART VIII.

APPLICATION OF ACT TO COMPANIES FORMED OR REGISTERED UNDER FORMER ACTS.

Application of Act to companies formed under former Companies Acts.

316. In the application of this Act to existing companies, it shall apply in the same manner—

(1) in the case of a limited company, other than a company limited by guarantee, as if the company had been formed and registered under this Act as a company limited by shares;

PART VIII. —*cont.*

(2) in the case of a company limited by guarantee, as if the company had been formed and registered under this Act as a company limited by guarantee; and

(3) in the case of a company other than a limited company, as if the company had been formed and registered under this Act as an unlimited company:

Provided that reference, express or implied, to the date of registration shall be construed as a reference to the date at which the company was registered under the Joint Stock Companies Acts, the Companies Act, 1862, or the Companies (Consolidation) Act, 1908, as the case may be.

25 & 26 Vict. c. 89.

Application of Act to companies registered under former Companies Acts.

317. This Act shall apply to every company registered but not formed under the Joint Stock Companies Acts, the Companies Act, 1862, or the Companies (Consolidation) Act, 1908, in the same manner as it is in Part IX of this Act declared to apply to companies registered but not formed under this Act:

Provided that reference, express or implied, to the date of registration shall be construed as a reference to the date at which the company was registered under the Joint Stock Companies Acts, the Companies Act, 1862, or the Companies (Consolidation) Act, 1908, as the case may be.

Application of Act to companies re-registered under former Companies Acts.

42 & 43 Vict. c. 76.

318. This Act shall apply to every unlimited company registered as a limited company in pursuance of the Companies Act, 1879, or section fifty-seven of the Companies (Consolidation) Act, 1908, in the same manner as it applies to an unlimited company registered in pursuance of this Act as a limited company:

Provided that reference, express or implied, to the date of registration shall be construed as a reference to the date at which the company was registered as a limited company under the said Act or said section, as the case may be.

Provision as to companies registered under the Joint

319.—(1) A company registered under the Joint Stock Companies Acts may cause its shares to be transferred in manner hitherto in use, or in such other manner as the company may direct.

(2) The power of altering articles under section ten of this Act shall, in the case of an unlimited company formed and registered under the Joint Stock Companies Acts, extend to altering any regulations relating to the amount of capital or to its distribution into shares, notwithstanding that those regulations are contained in the memorandum.

Part VIII. —*cont.* Stock Companies Acts.

320. Nothing in this Part of this Act shall apply to companies registered in the Irish Free State or Northern Ireland.

Exclusion of companies registered in Irish Free State or Northern Ireland.

Part IX.

Companies not formed under this Act authorised to Register under this Act.

321.—(1) With the exceptions and subject to the provisions contained in this section,—

Companies capable of being registered.

(*a*) any company consisting of seven or more members, which was in existence on the second day of November, eighteen hundred and sixty-two, including any company registered under the Joint Stock Companies Acts; and

(*b*) any company formed after the date aforesaid, whether before or after the commencement of this Act, in pursuance of any Act of Parliament other than this Act, or of letters patent, or being a company within the stannaries, or being otherwise duly constituted according to law, and consisting of seven or more members;

may at any time register under this Act as an unlimited company, or as a company limited by shares, or as a company limited by guarantee; and the registration shall not be invalid by reason that it has taken place with a view to the company being wound up:

Provided that—

(i) A company registered in any part of the United Kingdom under the Companies Act, 1862, or the Companies (Consolidation) Act, 1908, shall not register in pursuance of this section:

(ii) A company having the liability of its members limited by Act of Parliament or letters

PART IX. —*cont.*

patent, and not being a joint stock company as hereinafter defined, shall not register in pursuance of this section:

(iii) A company having the liability of its members limited by Act of Parliament or letters patent shall not register in pursuance of this section as an unlimited company or as a company limited by guarantee:

(iv) A company that is not a joint stock company as hereinafter defined shall not register in pursuance of this section as a company limited by shares:

(v) A company shall not register in pursuance of this section without the assent of a majority of such of its members as are present in person or by proxy (in cases where proxies are allowed by the regulations of the company) at a general meeting summoned for the purpose:

(vi) Where a company not having the liability of its members limited by Act of Parliament or letters patent is about to register as a limited company, the majority required to assent as aforesaid shall consist of not less than three-fourths of the members present in person or by proxy at the meeting:

(vii) Where a company is about to register as a company limited by guarantee, the assent to its being so registered shall be accompanied by a resolution declaring that each member undertakes to contribute to the assets of the company, in the event of its being wound up while he is a member, or within one year after he ceases to be a member, for payment of the debts and liabilities of the company contracted before he ceased to be a member, and of the costs and expenses of winding up, and for the adjustment of the rights of the contributories among themselves, such amount as may be required, not exceeding a specified amount.

(2) In computing any majority under this section when a poll is demanded regard shall be had to the

number of votes to which each member is entitled according to the regulations of the company. PART IX. —*cont.*

Definition of joint stock company.

322. For the purposes of this Part of this Act, as far as relates to registration of companies as companies limited by shares, a joint stock company means a company having a permanent paid-up or nominal share capital of fixed amount divided into shares, also of fixed amount, or held and transferable as stock, or divided and held partly in one way and partly in the other, and formed on the principle of having for its members the holders of those shares or that stock, and no other persons, and such a company when registered with limited liability under this Act shall be deemed to be a company limited by shares.

Requirements for registration by joint stock companies.

323. Before the registration in pursuance of this Part of this Act of a joint stock company, there shall be delivered to the registrar the following documents:—

(1) A list showing the names, addresses, and occupations of all persons who on a day named in the list, not being more than six clear days before the day of registration, were members of the company, with the addition of the shares or stock held by them respectively, distinguishing, in cases where the shares are numbered, each share by its number;

(2) A copy of any Act of Parliament, royal charter, letters patent, deed of settlement, contract of copartnery, cost book regulations, or other instrument constituting or regulating the company; and

(3) If the company is intended to be registered as a limited company, a statement specifying the following particulars:—

(*a*) The nominal share capital of the company and the number of shares into which it is divided, or the amount of stock of which it consists;

(*b*) The number of shares taken and the amount paid on each share;

(*c*) The name of the company, with the addition of the word "limited" as the last word thereof; and

PART IX. —*cont.*

(*d*) In the case of a company intended to be registered as a company limited by guarantee, the resolution declaring the amount of the guarantee.

Requirements for registration by other than joint stock companies.

324. Before the registration in pursuance of this Part of this Act of any company not being a joint stock company, there shall be delivered to the registrar—

(1) A list showing the names, addresses, and occupations of the directors or other managers (if any) of the company; and

(2) A copy of any Act of Parliament, letters patent, deed of settlement, contract of copartnery, cost book regulations, or other instrument constituting or regulating the company; and

(3) In the case of a company intended to be registered as a company limited by guarantee, a copy of the resolution declaring the amount of the guarantee.

Authentication of statements of existing companies.

325. The lists of members and directors and any other particulars relating to the company required to be delivered to the registrar shall be verified by a statutory declaration of any two or more directors or other principal officers of the company.

Registrar may require evidence as to nature of company.

326. The registrar may require such evidence as he thinks necessary for the purpose of satisfying himself whether any company proposing to be registered is or is not a joint stock company as hereinbefore defined.

Exemption of certain companies from payment of fees.

327. No fees shall be charged in respect of the registration in pursuance of this Part of this Act of a company if it is not registered as a limited company, or if before its registration as a limited company the liability of the shareholders was limited by some other Act of Parliament or by letters patent.

Addition of "limited" to name.

328. When a company registers in pursuance of this Part of this Act with limited liability, the word "limited" shall form, and be registered as, part of its name.

PART IX. —*cont.*

Certificate of registration of existing companies.

329. On compliance with the requirements of this Part of this Act with respect to registration, and on payment of such fees, if any, as are payable under the Tenth Schedule to this Act, the registrar shall certify under his hand that the company applying for registration is incorporated as a company under this Act, and in the case of a limited company that it is limited, and thereupon the company shall be so incorporated, and any banking company in Scotland so incorporated shall be deemed to be a bank incorporated, constituted, or established by or under Act of Parliament.

Vesting of property on registration.

330. All property, real and personal (including things in action), belonging to or vested in a company at the date of its registration in pursuance of this Part of this Act, shall on registration pass to and vest in the company as incorporated under this Act for all the estate and interest of the company therein.

Saving for existing liabilities.

331. Registration of a company in pursuance of this Part of this Act shall not affect the rights or liabilities of the company in respect of any debt or obligation incurred, or any contract entered into, by, to, with, or on behalf of, the company before registration.

Continuation of existing actions.

332. All actions and other legal proceedings which at the time of the registration of a company in pursuance of this Part of this Act are pending by or against the company, or the public officer or any member thereof, may be continued in the same manner as if the registration had not taken place:

Provided that execution shall not issue against the effects of any individual member of the company on any judgment, decree, or order obtained in any such action or proceeding, but, in the event of the property and effects of the company being insufficient to satisfy the judgment, decree, or order, an order may be obtained for winding up the company.

Effect of registration under Act.

333.—(1) When a company is registered in pursuance of this Part of this Act, the following provisions of this section shall have effect.

(2) All provisions contained in any Act of Parliament or other instrument constituting or regulating the company, including, in the case of a company registered

PART IX. —*cont.*

as a company limited by guarantee, the resolution declaring the amount of the guarantee, shall be deemed to be conditions and regulations of the company, in the same manner and with the same incidents as if so much thereof as would, if the company had been formed under this Act, have been required to be inserted in the memorandum, were contained in a registered memorandum, and the residue thereof were contained in registered articles.

(3) All the provisions of this Act shall apply to the company, and the members, contributories, and creditors thereof, in the same manner in all respects as if it had been formed under this Act, subject as follows:—

(*a*) Table A shall not apply unless adopted by special resolution;

(*b*) The provisions of this Act relating to the numbering of shares shall not apply to any joint stock company whose shares are not numbered;

(*c*) Subject to the provisions of this section the company shall not have power to alter any provision contained in any Act of Parliament relating to the company;

(*d*) Subject to the provisions of this section the company shall not have power, without the sanction of the Board of Trade, to alter any provision contained in any letters patent relating to the company;

(*e*) The company shall not have power to alter any provision contained in a royal charter or letters patent with respect to the objects of the company;

(*f*) In the event of the company being wound up, every person shall be a contributory, in respect of the debts and liabilities of the company contracted before registration, who is liable to pay or contribute to the payment of any debt or liability of the company contracted before registration, or to pay or contribute to the payment of any sum for the adjustment of

the rights of the members among themselves in respect of any such debt or liability, or to pay or contribute to the payment of the costs and expenses of winding up the company, so far as relates to such debts or liabilities as aforesaid;

(*g*) In the event of the company being wound up, every contributory shall be liable to contribute to the assets of the company, in the course of the winding up, all sums due from him in respect of any such liability as aforesaid, and, in the event of the death, bankruptcy, or insolvency, of any contributory, or marriage of any female contributory, the provisions of this Act with respect to the personal representatives, to the heirs and legatees of heritage of the heritable estate in Scotland of deceased contributories, to the trustees of bankrupt or insolvent contributories, and to the liabilities of husbands and wives respectively, shall apply.

(4) The provisions of this Act with respect to—

(*a*) the registration of an unlimited company as limited;

(*b*) the powers of an unlimited company on registration as a limited company to increase the nominal amount of its share capital and to provide that a portion of its share capital shall not be capable of being called up except in the event of winding up;

(*c*) the power of a limited company to determine that a portion of its share capital shall not be capable of being called up except in the event of winding up;

shall apply notwithstanding any provisions contained in any Act of Parliament, royal charter, or other instrument constituting or regulating the company.

(5) Nothing in this section shall authorise the company to alter any such provisions contained in any instrument constituting or regulating the company, as would, if the company had originally been formed under this Act, have been required to be contained in the memorandum and are not authorised to be altered by this Act.

PART IX. —*cont.*

(6) Nothing in this Act shall derogate from any power of altering its constitution or regulations which may, by virtue of any Act of Parliament or other instrument constituting or regulating the company, be vested in the company.

(7) In this section the expression "instrument" includes deed of settlement, contract of co-partnery, cost-book regulations and letters patent.

Power to substitute memorandum and articles for deed of settlement.

334.—(1) Subject to the provisions of this section, a company registered in pursuance of this Part of this Act may by special resolution alter the form of its constitution by substituting a memorandum and articles for a deed of settlement.

(2) The provisions of this Act with respect to confirmation by the court and registration of an alteration of the objects of a company shall so far as applicable apply to an alteration under this section with the following modifications:—

(*a*) There shall be substituted for the printed copy of the altered memorandum required to be delivered to the registrar of companies a printed copy of the substituted memorandum and articles; and

(*b*) On the registration of the alteration being certified by the registrar the substituted memorandum and articles shall apply to the company in the same manner as if it were a company registered under this Act with that memorandum and those articles, and the company's deed of settlement shall cease to apply to the company.

(3) An alteration under this section may be made either with or without any alteration of the objects of the company under this Act.

(4) In this section the expression "deed of settlement" includes any contract of copartnery or other instrument constituting or regulating the company, not being an Act of Parliament, a royal charter, or letters patent.

Power of court to stay or restrain proceedings.

335. The provisions of this Act with respect to staying and restraining actions and proceedings against a company at any time after the presentation of a petition for winding up and before the making of a

winding-up order shall, in the case of a company registered in pursuance of this Part of this Act, where the application to stay or restrain is by a creditor, extend to actions and proceedings against any contributory of the company.

Actions stayed on winding-up order.

336. Where an order has been made for winding up a company registered in pursuance of this Part of this Act, no action or proceeding shall be commenced or proceeded with against the company or any contributory of the company in respect of any debt of the company, except by leave of the court, and subject to such terms as the court may impose.

Part X.

Winding up of Unregistered Companies.

Meaning of unregistered company. 26 & 27 Vict. c. 87.

337. For the purposes of this Part of this Act, the expression "unregistered company" shall include any trustee savings bank certified under the Trustee Savings Banks Act, 1863, and any partnership, whether limited or not, any association and any company with the following exceptions:—

(1) a railway company incorporated by Act of Parliament, except in so far as is provided by the Abandonment of Railways Act, 1850, and the Abandonment of Railways Act, 1869, and any Acts amending them; 13 & 14 Vict. c. 83. 32 & 33 Vict. c. 114.

(2) a company registered in any part of the United Kingdom under the Joint Stock Companies Acts or under the Companies Act, 1862, or under the Companies (Consolidation) Act, 1908, or under this Act;

(3) a partnership, association or company which consists of less than eight members and is not a foreign partnership, association or company;

(4) a limited partnership registered in England or Northern Ireland.

Winding up of unregistered companies.

338.—(1) Subject to the provisions of this Part of this Act, any unregistered company may be wound up under this Act, and all the provisions of this Act with

PART X. —*cont.*

respect to winding up shall apply to an unregistered company, with the following exceptions and additions :—

(*a*) If an unregistered company has a principal place of business situate in Northern Ireland, it shall not be wound up under this Part of this Act unless it has a principal place of business situate in England or Scotland or in both England and Scotland:

(*b*) An unregistered company shall, for the purpose of determining the court having jurisdiction in the matter of the winding up, be deemed to be registered in England or Scotland, according as its principal place of business is situate in England or Scotland, or if it has a principal place of business situate in both countries, to be registered in both countries and the principal place of business situate in that part of Great Britain in which proceedings are being instituted shall, for all the purposes of the winding up, be deemed to be the registered office of the company :

(*c*) No unregistered company shall be wound up under this Act voluntarily or subject to supervision :

(*d*) The circumstances in which an unregistered company may be wound up are as follows :—

(i) If the company is dissolved, or has ceased to carry on business, or is carrying on business only for the purpose of winding up its affairs;

(ii) If the company is unable to pay its debts;

(iii) If the court is of opinion that it is just and equitable that the company should be wound up :

(*e*) An unregistered company shall, for the purposes of this Act, be deemed to be unable to pay its debts :—

(i) If a creditor, by assignment or otherwise, to whom the company is indebted in a sum exceeding fifty pounds then due, has served on the company, by leaving at its principal

PART X. —*cont.*

place of business, or by delivering to the secretary or some director, manager, or principal officer of the company, or by otherwise serving in such manner as the court may approve or direct, a demand under his hand requiring the company to pay the sum so due, and the company has for three weeks after the service of the demand neglected to pay the sum, or to secure or compound for it to the satisfaction of the creditor;

(ii) If any action or other proceeding has been instituted against any member for any debt or demand due, or claimed to be due, from the company, or from him in his character of member, and notice in writing of the institution of the action or proceeding having been served on the company by leaving the same at its principal place of business, or by delivering it to the secretary, or some director, manager, or principal officer of the company, or by otherwise serving the same in such manner as the court may approve or direct, the company has not within ten days after service of the notice paid, secured, or compounded for the debt or demand, or procured the action or proceeding to be stayed, or indemnified the defendant to his reasonable satisfaction against the action or proceeding, and against all costs, damages, and expenses to be incurred by him by reason of the same;

(iii) If in England or Northern Ireland execution or other process issued on a judgment, decree, or order obtained in any court in favour of a creditor against the company, or any member thereof as such, or any person authorised to be sued as nominal defendant on behalf of the company, is returned unsatisfied;

(iv) If in Scotland the induciæ of a charge for payment on an extract decree, or an extract registered bond, or an extract registered protest, have expired without payment being made;

PART X. —*cont.*

(v) If it is otherwise proved to the satisfaction of the court that the company is unable to pay its debts:

(*f*) The court having jurisdiction to wind up a railway company under the Abandonment of Railways Act, 1850, and the Abandonment of Railways Act, 1869, and the Acts amending them, shall be the High Court or the Court of Session, according as the railway was authorised to be made in England or Scotland, and the special provisions of those Acts shall apply to the winding up with the substitution of references to this Act for references to the Companies Acts, 1862 and 1867:

Provided that, subject to any order made under section fifty-seven of the Supreme Court of Judicature (Consolidation) Act, 1925, and without prejudice to the power to make orders of transfer under that Act, the jurisdiction of the High Court under this provision shall be exercised by the Chancery Division of that Court and provision may be made by general rules for regulating the exercise of the said jurisdiction:

(*g*) A petition for winding up a trustee savings bank may be presented by the National Debt Commissioners, or by a commissioner appointed under the Trustee Savings Banks Act, 1887, as well as by any person authorised under the other provisions of this Act to present a petition for winding up a company:

50 & 51 Vict. c. 47.

(*h*) In the case of a limited partnership the provisions of this Act with respect to winding up shall apply with such modifications, if any, as may be provided by rules made by the Lord Chancellor with the concurrence of the President of the Board of Trade, and with the substitution of general partners for directors.

(2) Where a company incorporated outside Great Britain which has been carrying on business in Great Britain ceases to carry on business in Great Britain, it may be wound up as an unregistered company under this Part of this Act, notwithstanding that it has been

dissolved or otherwise ceased to exist as a company under or by virtue of the laws of the country under which it was incorporated.

(3) Nothing in this Part of this Act shall affect the operation of any enactment which provides for any partnership, association, or company, being wound up, or being wound up as a company or as an unregistered company, under any enactment repealed by this Act, except that references in any such first-mentioned enactment to any such repealed enactment shall be read as references to the corresponding provision (if any) of this Act.

Contributories in winding up of unregistered company.

339.—(1) In the event of an unregistered company being wound up, every person shall be deemed to be a contributory who is liable to pay or contribute to the payment of any debt or liability of the company, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members among themselves, or to pay or contribute to the payment of the costs and expenses of winding up the company, and every contributory shall be liable to contribute to the assets of the company all sums due from him in respect of any such liability as aforesaid:

Provided that, in the case of an unregistered company within the stannaries, a past member shall not be liable to contribute to the assets of the company if he has ceased to be a member for two years or more either before the mine ceased to be worked or before the date of the winding-up order.

(2) In the event of the death, bankruptcy, or insolvency, of any contributory, or marriage of any female contributory, the provisions of this Act with respect to the personal representatives, to the heirs and legatees of heritage of the heritable estate in Scotland of deceased contributories, to the trustees of bankrupt or insolvent contributories, and to the liabilities of husbands and wives respectively, shall apply.

Power of court to stay or restrain proceedings.

340. The provisions of this Act with respect to staying and restraining actions and proceedings against a company at any time after the presentation of a petition for winding up and before the making of a winding-up order shall, in the case of an unregistered

PART X. —*cont.*

company, where the application to stay or restrain is by a creditor, extend to actions and proceedings against any contributory of the company.

Actions stayed on winding-up order.

341. Where an order has been made for winding up an unregistered company, no action or proceeding shall be proceeded with or commenced against any contributory of the company in respect of any debt of the company, except by leave of the court, and subject to such terms as the court may impose.

Provisions of Part X cumulative.

342. The provisions of this Part of this Act with respect to unregistered companies shall be in addition to and not in restriction of any provisions hereinbefore in this Act contained with respect to winding up companies by the court, and the court or liquidator may exercise any powers or do any act in the case of unregistered companies which might be exercised or done by it or him in winding up companies formed and registered under this Act:

Provided that an unregistered company shall not, except in the event of its being wound up, be deemed to be a company under this Act, and then only to the extent provided by this Part of this Act.

PART XI.

COMPANIES INCORPORATED OUTSIDE GREAT BRITAIN CARRYING ON BUSINESS WITHIN GREAT BRITAIN.

Companies to which Part XI applies.

343. This Part of this Act shall apply to all companies incorporated outside Great Britain which, after the commencement of this Act, establish a place of business within Great Britain, and to all companies incorporated outside Great Britain which have, before the commencement of this Act, established a place of business within Great Britain and continue to have an established place of business within Great Britain at the commencement of this Act.

Documents, &c., to be delivered to

344.—(1) Companies incorporated outside Great Britain which, after the commencement of this Act, establish a place of business within Great Britain, shall

within one month from the establishment of the place of business, deliver to the registrar of companies for registration—

(*a*) a certified copy of the charter, statutes or memorandum and articles of the company, or other instrument constituting or defining the constitution of the company, and, if the instrument is not written in the English language, a certified translation thereof ;

(*b*) a list of the directors of the company, containing such particulars with respect to the directors as are by this Act required to be contained with respect to directors in the register of the directors of a company ;

(*c*) the names and addresses of some one or more persons resident in Great Britain authorised to accept on behalf of the company service of process and any notices required to be served on the company.

(2) The following companies, namely :—

(*a*) companies incorporated outside Great Britain which, before the first day of April, nineteen hundred and nine, established a place of business and at the commencement of this Act continue to have a place of business within Great Britain;

(*b*) companies incorporated in Northern Ireland before the first day of January, nineteen hundred and twenty-two, which at the commencement of this Act have a place of business within Great Britain;

(*c*) companies incorporated in the Irish Free State which, before the twenty-seventh day of March, nineteen hundred and twenty-three, established a place of business and at the commencement of this Act continue to have a place of business within Great Britain;

shall, within one month from the commencement of this Act, deliver to the registrar for registration the documents and particulars specified in the last foregoing subsection.

PART XI. —*cont.*

(3) Companies to which this Part of this Act applies, other than the companies mentioned in subsections (1) and (2) of this section, shall, if at the commencement of this Act they have not delivered to the registrar the documents and particulars specified in paragraphs (*a*), (*b*) and (*c*) of subsection (1) of section two hundred and seventy-four of the Companies (Consolidation) Act, 1908, as amended by the Companies (Particulars as to Directors) Act, 1917, continue subject to the obligation to deliver those documents and particulars in accordance with the said Acts.

7 & 8 Geo. 5. c. 28.

Power of companies incorporated in British possessions to hold lands.

345. A company incorporated in a British possession which has delivered to the registrar of companies—

(1) in the case of a company to which subsection (1) or subsection (2) of the last foregoing section applies, the documents and particulars specified in paragraphs (*a*), (*b*) and (*c*) of subsection (1) of that section;

(2) in the case of any other company to which this Part of this Act applies, the documents and particulars specified in paragraphs (*a*), (*b*) and (*c*) of subsection (1) of section two hundred and seventy-four of the Companies (Consolidation) Act, 1908, as amended by the Companies (Particulars as to Directors) Act, 1917;

shall have the same power to hold lands in the United Kingdom as if it were a company incorporated under this Act:

Provided that nothing in this section shall affect the power of a company to hold lands by virtue of registration in Northern Ireland.

Return to be delivered to registrar where documents, &c. altered.

346. If in the case of any company to which this Part of this Act applies any alteration is made in—

(1) the charter, statutes, or memorandum and articles of the company or any such instrument as aforesaid; or

(2) the directors of the company or the particulars contained in the list of the directors; or

(3) the names or addresses of the persons authorised to accept service on behalf of the company;

the company shall, within the prescribed time, deliver to the registrar for registration a return containing the prescribed particulars of the alteration.

Balance sheet of company carrying on business in Great Britain.

347.—(1) Every company to which this Part of this Act applies shall in every calendar year make out a balance sheet in such form, and containing such particulars and including such documents, as under the provisions of this Act it would, if it had been a company within the meaning of this Act, have been required to make out and lay before the company in general meeting, and deliver a copy of that balance sheet to the registrar for registration.

(2) If any such balance sheet is not written in the English language, there shall be annexed to it a certified translation thereof.

Obligation to state name of company, whether limited, and country where incorporated.

348. Every company to which this Part of this Act applies shall—

(1) in every prospectus inviting subscriptions for its shares or debentures in Great Britain state the country in which the company is incorporated; and

(2) conspicuously exhibit on every place where it carries on business in Great Britain the name of the company and the country in which the company is incorporated; and

(3) cause the name of the company and of the country in which the company is incorporated to be stated in legible characters in all bill-heads and letter paper, and in all notices, advertisements, and other official publications of the company; and

(4) if the liability of the members of the company is limited, cause notice of that fact to be stated in legible characters in every such prospectus as aforesaid and in all bill-heads, letter paper, notices, advertisements and other official publications of the company in Great Britain, and to be affixed on every place where it carries on its business.

PART XI. —*cont.*

Service on company to which Part XI applies.

349. Any process or notice required to be served on a company to which this Part of this Act applies shall be sufficiently served if addressed to any person whose name has been delivered to the registrar under this Part of this Act and left at or sent by post to the address which has been so delivered:

Provided that—

(1) where any such company makes default in delivering to the registrar the name and address of a person resident in Great Britain who is authorised to accept on behalf of the company service of process or notices; or

(2) if at any time all the persons whose names and addresses have been so delivered are dead or have ceased so to reside, or refuse to accept service on behalf of the company, or for any reason cannot be served;

a document may be served on the company by leaving it at or sending it by post to any place of business established by the company in Great Britain.

Office where documents to be filed.

350.—(1) Any document, which any company to which this Part of this Act applies is required to deliver to the registrar of companies, shall be delivered to the registrar at the registration office in England or Scotland according as the company has established a place of business in England or Scotland, and if it has established or establishes a place of business both in England and in Scotland, the document shall be delivered at the registration office both in England and in Scotland, and references to the registrar of companies in this Part of this Act shall be construed accordingly:

Provided that nothing in this Part of this Act shall operate to require any document to be delivered at any registration office if it has been delivered at that office before the commencement of this Act.

(2) If any company to which this Part of this Act applies ceases to have a place of business in either part of Great Britain, it shall forthwith give notice of the fact to the registrar of companies for that part, and as from the date on which notice is so given the

obligation of the company to deliver any document to the registrar shall cease. PART XI. —*cont.*

351. If any company to which this Part of this Act applies fails to comply with any of the foregoing provisions of this Part of this Act the company, and every officer or agent of the company, shall be liable to a fine not exceeding fifty pounds, or, in the case of a continuing offence, five pounds for every day during which the default continues. Penalties.

352. For the purposes of this Part of this Act :— Interpretation of Part XI.

The expression "certified" means certified in the prescribed manner to be a true copy or a correct translation;

The expression "director" in relation to a company includes any person in accordance with whose directions or instructions the directors of the company are accustomed to act;

The expression "place of business" includes a share transfer or share registration office;

The expression "prospectus" has the same meaning as when used in relation to a company incorporated under this Act.

Special Provisions as to Companies incorporated in Channel Islands or Isle of Man.

353. Where a company incorporated in the Channel Islands or the Isle of Man— Obligation of company incorporated in Channel Islands or Isle of Man to deliver documents to registrar.

(1) after the commencement of this Act establishes a place of business in England or Scotland; or

(2) has before the commencement of this Act established and at the commencement of this Act continues to have a place of business in England or Scotland;

all the provisions of this Act requiring documents to be forwarded or delivered to, or filed with, the registrar of companies (other than provisions requiring the payment of a fee in respect of the registration of a company) shall apply to the company in like manner as if it were a

PART XI. —*cont.*

company registered in England or Scotland, as the case may be, and if the company establishes places of business both in England and in Scotland the said provisions shall so apply as if the company were registered both in England and in Scotland:

Provided that, in the case of a company which has established a place of business before the commencement of this Act, the time within which documents must be forwarded or delivered to, or filed with, the registrar shall run from the commencement of this Act.

PART XII.

RESTRICTIONS ON SALE OF SHARES AND OFFERS OF SHARES FOR SALE.

Provisions with respect to prospectuses of foreign companies inviting subscriptions for shares or offering shares for sale.

354.—(1) It shall not be lawful for any person—

(*a*) to issue, circulate or distribute in Great Britain any prospectus offering for subscription shares in or debentures of a company incorporated or to be incorporated outside Great Britain, whether the company has or has not established, or when formed will or will not establish, a place of business in Great Britain, unless—

(i) before the issue, circulation or distribution of the prospectus in Great Britain a copy thereof, certified by the chairman and two other directors of the company as having been approved by resolution of the managing body, has been delivered for registration to the registrar of companies;

(ii) the prospectus states on the face of it that the copy has been so delivered;

(iii) the prospectus is dated;

(iv) the prospectus otherwise complies with this Part of this Act; or

(*b*) to issue to any person in Great Britain a form of application for shares in or debentures of

such a company or intended company as aforesaid, unless the form is issued with a prospectus which complies with this Part of this Act:

Provided that this provision shall not apply if it is shown that the form of application was issued in connection with a bonâ fide invitation to a person to enter into an underwriting agreement with respect to the shares or debentures.

(2) This section shall not apply to the issue to existing members or debenture holders of a company of a prospectus or form of application relating to shares in or debentures of the company, whether an applicant for shares or debentures will or will not have the right to renounce in favour of other persons, but, subject as aforesaid, this section shall apply to a prospectus or form of application whether issued on or with reference to the formation of a company or subsequently.

(3) Where any document by which any shares in or debentures of a company incorporated outside Great Britain are offered for sale to the public would, if the company concerned had been a company within the meaning of this Act, have been deemed by virtue of section thirty-eight of this Act to be a prospectus issued by the company, that document shall be deemed to be, for the purposes of this section, a prospectus issued by the company.

(4) An offer of shares or debentures for subscription or sale to any person whose ordinary business or part of whose ordinary business it is to buy or sell shares or debentures, whether as principal or agent, shall not be deemed an offer to the public for the purposes of this section.

(5) Section thirty-seven of this Act shall extend to every prospectus to which this section applies.

(6) Any person who is knowingly responsible for the issue, circulation or distribution of any prospectus, or for the issue of a form of application for shares or debentures, in contravention of the provisions of this

PART XII. —*cont.*

section shall be liable to a fine not exceeding five hundred pounds.

(7) In this and the next following section the expressions "prospectus," "shares," and "debentures" have the same meanings as when used in relation to a company incorporated under this Act.

Requirements as to prospectus.

355.—(1) In order to comply with this Part of this Act a prospectus in addition to complying with the provisions of sub-paragraphs (ii) and (iii) of paragraph (*a*) of subsection (1) of the last foregoing section must—

(*a*) contain particulars with respect to the following matters—

(i) the objects of the company;

(ii) the instrument constituting or defining the constitution of the company;

(iii) the enactments, or provisions having the force of an enactment, by or under which the incorporation of the company was effected;

(iv) an address in Great Britain where the said instrument, enactments or provisions, or copies thereof, and if the same are in a foreign language a translation thereof certified in the prescribed manner, can be inspected;

(v) the date on which and the country in which the company was incorporated;

(vi) whether the company has established a place of business in Great Britain, and, if so, the address of its principal office in Great Britain:

Provided that the provisions of sub-paragraphs (i), (ii), (iii) and (iv) of this paragraph shall not apply in the case of a prospectus issued more than two years after the date at which the company is entitled to commence business.

(*b*) subject to the provisions of this section, state the matters specified in Part I of the Fourth Schedule to this Act (other than those specified in paragraph 1 of the said Part I) and set out the reports specified in Part II of that Schedule

subject always to the provisions contained in Part III of the said Schedule:

Provided that—

(i) where any prospectus is published as a newspaper advertisement, it shall be a sufficient compliance with the requirement that the prospectus must specify the objects of the company if the advertisement specifies the primary object with which the company was formed; and

(ii) in paragraph 3 of Part I of the said Fourth Schedule a reference to the constitution of the company shall be substituted for the reference to the articles; and

(iii) paragraph 1 of Part III of that Schedule shall have effect as if the reference to the memorandum were omitted therefrom.

(2) Any condition requiring or binding any applicant for shares or debentures to waive compliance with any requirement of this section, or purporting to affect him with notice of any contract, document, or matter not specifically referred to in the prospectus, shall be void.

(3) In the event of non-compliance with or contravention of any of the requirements of this section, a director or other person responsible for the prospectus shall not incur any liability by reason of the non-compliance or contravention, if—

(*a*) as regards any matter not disclosed, he proves that he was not cognisant thereof; or

(*b*) he proves that the non-compliance or contravention arose from an honest mistake of fact on his part; or

(*c*) the non-compliance or contravention was in respect of matters which, in the opinion of the court dealing with the case, were immaterial or were otherwise such as ought, in the opinion of that court, having regard to all the circumstances of the case, reasonably to be excused:

Provided that, in the event of failure to include in a prospectus a statement with respect to the matters contained in paragraph 15 of Part I of the Fourth Schedule to this Act, no director or other person shall

PART XII. —*cont.*

incur any liability in respect of the failure unless it be proved that he had knowledge of the matters not disclosed.

(4) Nothing in this section shall limit or diminish any liability which any person may incur under the general law or this Act, apart from this section.

Restrictions on offering of shares for subscription or sale.

356.—(1) It shall not be lawful for any person to go from house to house offering shares for subscription or purchase to the public or any member of the public.

In this subsection the expression "house" shall not include an office used for business purposes.

(2) Subject as hereinafter provided in this subsection, it shall not be lawful to make an offer in writing to any member of the public (not being a person whose ordinary business or part of whose ordinary business it is to buy or sell shares, whether as principal or agent) of any shares for purchase, unless the offer is accompanied by a statement in writing (which must be signed by the person making the offer and dated) containing such particulars as are required by this section to be included therein and otherwise complying with the requirements of this section, or, in the case of shares in a company incorporated outside Great Britain, either by such a statement as aforesaid, or by such a prospectus as complies with this Part of this Act:

Provided that the provisions of this subsection shall not apply—

(*a*) where the shares to which the offer relates are shares which are quoted on, or in respect of which permission to deal has been granted by, any recognised stock exchange in Great Britain and the offer so states and specifies the stock exchange; or

(*b*) where the shares to which the offer relates are shares which a company has allotted or agreed to allot with a view to their being offered for sale to the public; or

(*c*) where the offer was made only to persons with whom the person making the offer has been in the habit of doing regular business in the purchase or sale of shares.

(3) The written statement aforesaid shall not contain any matter other than the particulars required by this section to be included therein, and shall not be in characters less large or less legible than any characters used in the offer or in any document sent therewith.

(4) The said statement shall contain particulars with respect to the following matters—

(*a*) whether the person making the offer is acting as principal or agent, and if as agent the name of his principal and an address in Great Britain where that principal can be served with process;

(*b*) the date on which and the country in which the company was incorporated and the address of its registered or principal office in Great Britain;

(*c*) the authorised share capital of the company and the amount thereof which has been issued, the classes into which it is divided and the rights of each class of shareholders in respect of capital, dividends and voting;

(*d*) the dividends, if any, paid by the company on each class of shares during each of the three financial years immediately preceding the offer, and if no dividend has been paid in respect of shares of any particular class during any of those years, a statement to that effect;

(*e*) the total amount of any debentures issued by the company and outstanding at the date of the statement, together with the rate of interest payable thereon;

(*f*) the names and addresses of the directors of the company;

(*g*) whether or not the shares offered are fully paid up, and, if not, to what extent they are paid up;

(*h*) whether or not the shares are quoted on, or permission to deal therein has been granted by, any recognised stock exchange in Great Britain or elsewhere, and, if so, which, and, if not, a statement that they are not so quoted or that no such permission has been granted;

(*i*) where the offer relates to units, particulars of the name and addresses of the persons in

PART XII. —*cont.*

whom the shares represented by the units are vested, the date of and the parties to any document defining the terms on which those shares are held, and an address in Great Britain where that document or a copy thereof can be inspected.

In this subsection the expression " company " means the company by which the shares to which the statement relates were or are to be issued.

(5) If any person acts, or incites, causes or procures any person to act, in contravention of this section, he shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds or to both such imprisonment and fine, and in the case of a second or subsequent offence to imprisonment for a term not exceeding twelve months or to a fine not exceeding five hundred pounds, or to both such imprisonment and fine.

(6) Where a person convicted of an offence under this section is a company (whether a company within the meaning of this Act or not), every director and every officer concerned in the management of the company shall be guilty of the like offence unless he proves that the act constituting the offence took place without his knowledge or consent.

(7) In this section, unless the context otherwise requires, the expression " shares " means the shares of a company, whether a company within the meaning of this Act or not, and includes debentures and units, and the expression " unit " means any right or interest (by whatever name called) in a share, and for the purposes of this section a person shall not in relation to a company be regarded as not being a member of the public by reason only that he is a holder of shares in the company or a purchaser of goods from the company.

(8) Where any person is convicted in England of having made an offer in contravention of the provisions of this section, the court before which he is convicted may order that any contract made as a result of the offer shall be void, and, where it makes any such order, may give such consequential directions as it thinks proper for the repayment of any money or the retransfer of any shares.

Where the court makes an order under this subsection (whether with or without consequential directions) an appeal against the order and the consequential directions, if any, shall lie to the High Court. Part XII. —*cont.*

Part XIII.

Miscellaneous.

Prohibition of Partnerships with more than Twenty Members.

Prohibition of partnerships with more than twenty members.

357. No company, association, or partnership consisting of more than twenty persons shall be formed for the purpose of carrying on any business (other than the business of banking) that has for its object the acquisition of gain by the company, association, or partnership, or by the individual members thereof, unless it is registered as a company under this Act, or is formed in pursuance of some other Act of Parliament, or of letters patent, or is a company engaged in working mines within the stannaries and subject to the jurisdiction of the court exercising the stannaries jurisdiction.

Provisions relating to Banks.

Prohibition of banking partnerships with more than ten members.

358. No company, association, or partnership consisting of more than ten persons shall be formed for the purpose of carrying on the business of banking, unless it is registered as a company under this Act, or is formed in pursuance of some other Act of Parliament, or of letters patent.

On registration of banking company with limited liability, notice to be given to customers.

359.—(1) Where a banking company which was in existence on the seventh day of August, eighteen hundred and sixty-two, proposes to register as a limited company, it shall, at least thirty days before so registering, give notice of its intention so to register to every person who has a banking account with the company, either by delivery of the notice to him, or by posting it to him at, or delivering it at, his last known address.

(2) If the company omits to give the notice required by this section, then, as between the company and the person for the time being interested in the account in respect of which the notice ought to have been given,

PART XIII. —*cont.*

and so far as respects the account down to the time at which notice is given, but not further or otherwise, the certificate of registration with limited liability shall have no operation.

Liability of bank of issue unlimited in respect of notes.

360.—(1) A bank of issue registered under this Act as a limited company shall not be entitled to limited liability in respect of its notes, and the members thereof shall be liable in respect of its notes in the same manner as if it had been registered as unlimited:

Provided that, if, in the event of the company being wound up, the general assets are insufficient to satisfy the claims of both the note-holders and the general creditors, then the members, after satisfying the remaining demands of the note-holders, shall be liable to contribute towards payment of the debts of the general creditors a sum equal to the amount received by the note-holders out of the general assets.

(2) For the purposes of this section, the expression "the general assets" means the funds available for payment of the general creditor as well as the note-holder.

(3) Any bank of issue registered under this Act as a limited company may state on its notes that the limited liability does not extend to its notes, and that the members of the company are liable in respect of its notes in the same manner as if it had been registered as an unlimited company.

Privileges of banks making annual return.

361.—(1) Where a company carrying on the business of bankers has duly forwarded to the registrar of companies the annual return required by section one hundred and eight of this Act and has added thereto a statement of the names of the several places where it carries on business, the company—

7 Geo. 4. c. 46. 7 Geo. 4. c. 67. 7 & 8 Vict. c. 32. 8 & 9 Vict. c. 38. 42 & 43 Vict. c. 11.

(*a*) shall not be required to furnish to the Commissioners of Inland Revenue any returns under the provisions of the Country Bankers Act, 1826, the Bankers (Scotland) Act, 1826, section twenty-one of the Bank Charter Act, 1844, or section thirteen of the Bank Notes (Scotland) Act 1845; and

(*b*) shall be deemed to be a "bank" and "bankers" within the meaning of the Bankers' Books Evidence Act, 1879.

(2) The fact of the said annual return and statement having been duly forwarded may be proved in any legal proceedings by the certificate of the registrar. PART XIII. —*cont.*

Miscellaneous Offences.

362. If any person in any return, report, certificate, balance sheet, or other document, required by or for the purposes of any of the provisions of this Act specified in the Eleventh Schedule hereto, wilfully makes a statement false in any material particular, knowing it to be false, he shall be guilty of a misdemeanor, and shall be liable on conviction in Scotland on indictment to imprisonment for a term not exceeding two years, with or without hard labour, and be liable on summary conviction in England or Scotland to imprisonment for a term not exceeding four months, with or without hard labour, and in either case to a fine in lieu of or in addition to such imprisonment as aforesaid: Penalty for false statement.

Provided that—

(*a*) the fine imposed on summary conviction shall not exceed one hundred pounds;

(*b*) nothing in this section shall affect the provisions of the Perjury Act, 1911. 1 & 2 Geo. 5. c. 6.

363. If in Scotland any person, on examination on oath authorised under this Act or in any affidavit or deposition in or about the winding up of any company or otherwise in or about any matter arising under this Act, wilfully and corruptly gives false evidence, he shall be liable to the penalties for wilful perjury. Penalty on perjury in Scotland.

364. If any person or persons trade or carry on business under any name or title of which "Limited," or any contraction or imitation of that word, is the last word, that person or those persons shall, unless duly incorporated with limited liability, be liable to a fine not exceeding five pounds for every day upon which that name or title has been used. Penalty for improper use of word "Limited."

General Provisions as to Offences.

365.—(1) Where by any enactment in this Act it is provided that a company and every officer of the company who is in default shall be liable to a default fine, the Provision with respect to default fines and

PART XIII. —*cont.*

meaning of "officer in default."

company and every such officer shall, for every day during which the default, refusal or contravention continues, be liable to a fine not exceeding such amount as is specified in the said enactment, or, if the amount of the fine is not so specified, to a fine not exceeding five pounds.

(2) For the purpose of any enactment in this Act which provides that an officer of a company who is in default shall be liable to a fine or penalty, the expression "officer who is in default" means any director, manager, secretary or other officer of the company, who knowingly and wilfully authorises or permits the default, refusal or contravention mentioned in the enactment.

Prosecution of offences punishable by fine.

366. All offences under this Act made punishable by any fine may be prosecuted under the Summary Jurisdiction Acts.

Application of fines.

367. The court imposing any fine under this Act may direct that the whole or any part thereof shall be applied in or towards payment of the costs of the proceedings, or in or towards the rewarding the person on whose information or at whose suit the fine is recovered, and subject to any such direction all fines under this Act shall, notwithstanding anything in any other Act, be paid into the Exchequer.

Saving as to private prosecutors.

368. Nothing in this Act relating to the institution of criminal proceedings by the Director of Public Prosecutions shall be taken to preclude any person from instituting or carrying on any such proceedings.

Saving for privileged communications.

369. Where proceedings are instituted under this Act against any person by the Director of Public Prosecutions or by or on behalf of the Lord Advocate, nothing in this Act shall be taken to require any person who has acted as solicitor for the defendant to disclose any privileged communication made to him in that capacity.

Service of Documents and Legal Proceedings.

Service of documents on company.

370.—(1) A document may be served on a company by leaving it at or sending it by post to the registered office of the company.

(2) Where a company registered in Scotland carries on business in England, the process of any court in

England may be served on the company by leaving it at or sending it by post to the principal place of business of the company in England, addressed to the manager or other head officer in England of the company.

(3) Where process is served on a company under subsection (2) of this section, the person issuing out the process shall send a copy thereof by post to the registered office of the company.

Costs in actions by certain limited companies.

371. Where a limited company is plaintiff or pursuer in any action or other legal proceeding, any judge having jurisdiction in the matter may, if it appears by credible testimony that there is reason to believe that the company will be unable to pay the costs of the defendant if successful in his defence, require sufficient security to be given for those costs, and may stay all proceedings until the security is given.

Power of court to grant relief in certain cases.

372.—(1) If in any proceeding for negligence, default, breach of duty, or breach of trust against a person to whom this section applies it appears to the court hearing the case that that person is or may be liable in respect of the negligence, default, breach of duty or breach of trust, but that he has acted honestly and reasonably, and that, having regard to all the circumstances of the case, including those connected with his appointment, he ought fairly to be excused for the negligence, default, breach of duty or breach of trust, that court may relieve him, either wholly or partly, from his liability on such terms as the court may think fit.

(2) Where any person to whom this section applies has reason to apprehend that any claim will or might be made against him in respect of any negligence, default, breach of duty or breach of trust, he may apply to the court for relief, and the court on any such application shall have the same power to relieve him as under this section it would have had if it had been a court before which proceedings against that person for negligence, default, breach of duty or breach of trust had been brought.

(3) Where any case to which subsection (1) of this section applies is being tried by a judge with a jury,

PART XIII. —*cont.*

the judge, after hearing the evidence, may, if he is satisfied that the defendant ought in pursuance of that subsection to be relieved either in whole or in part from the liability sought to be enforced against him, withdraw the case in whole or in part from the jury and forthwith direct judgment to be entered for the defendant on such terms as to costs or otherwise as the judge may think proper.

(4) The persons to whom this section applies are the following :—

(*a*) directors of a company :

(*b*) managers of a company :

(*c*) officers of a company :

(*d*) persons employed by a company as auditors, whether they are or are not officers of the company.

Power to enforce orders.

373. Orders made by the High Court under this Act may be enforced in the same manner as orders made in an action pending therein.

Rules of procedure in Scotland.

374.—(1) The Court of Session may, by Act of Sederunt, make rules regulating the procedure in proceedings under this Act in the Court of Session or in a sheriff court, including appeals from the sheriff court.

(2) The power to make rules under this section includes power to make rules with respect to costs and fees.

Jurisdiction of stannaries court.

375.—(1) In the case of a company subject to the stannaries jurisdiction, the court exercising the stannaries jurisdiction shall have and exercise the like jurisdiction and powers, as well on the common law as on the equity side thereof, as the Court of the Vice-Warden of the stannaries possessed before the commencement of the Stannaries Court (Abolition) Act, 1896, by custom, usage, or statute in the case of unincorporated companies, but only so far as is consistent with the provisions of this Act and with the constitution of companies as prescribed or required by this Act.

(2) For the purpose of giving fuller effect to that jurisdiction, all process issuing out of the said court, and all orders, rules, demands, notices, warrants, and summonses required or authorised by the practice of the

PART XIII. —*cont.*

court to be served on any company, whether registered or not registered, or on any member or contributory thereof, or on any officer, agent, director, manager, or servant thereof, may be served in any part of England without any special order of the judge for that purpose, or by such special order may be served in any part of the British Islands other than the Irish Free State, on such terms and conditions as the court may think fit:

Provided that no such service of process out of the limits of the stannaries in any suit or plaint on the common law side of the court shall be effected without the special order of the judge made on a statement of the nature and object of the suit or plaint.

(3) All decrees, orders, and judgments of the said court may be enforced in the same manner in which decrees, orders, and judgments of the Court of the Vice-Warden of the stannaries could before its abolition have been by law enforced, whether within or beyond the stannaries.

General Provisions as to Board of Trade.

Annual report by Board of Trade.

376. The Board of Trade shall cause a general annual report of matters within this Act to be prepared and laid before both Houses of Parliament.

Authentication of documents issued by Board of Trade.

377. Any approval, sanction, or licence, or revocation of licence, which under this Act may be given or made by the Board of Trade may be under the hand of a secretary or assistant secretary of the Board, or of any person authorised in that behalf by the President of the Board.

Orders and certificates of Board to be evidence.

378.—(1) All documents purporting to be orders or certificates made or issued by the Board of Trade for the purposes of this Act and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or any person authorised in that behalf by the President of the Board, shall be received in evidence and deemed to be such orders or certificates without further proof, unless the contrary is shown.

(2) A certificate signed by the President of the Board of Trade that any order made, certificate issued, or act done, is the order, certificate, or act of the Board, shall be conclusive evidence of the fact so certified.

PART XIII. —*cont.*

Power to alter tables and forms.

379.—(1) The Board of Trade may alter Table A, the form in the Seventh Schedule and the table of fees in the Tenth Schedule to this Act, so that it does not increase the amount of fees payable to the registrar under the said Tenth Schedule, and may alter or add to Tables B, C, D and E in the First Schedule, and the forms in the Second and Sixth Schedules to this Act.

(2) Any such table or form, when altered, shall be published in the London Gazette, and thenceforth shall have the same force as if it were included in one of the Schedules to this Act, but no alteration made by the Board of Trade in Table A shall affect any company registered before the alteration, or repeal, as respects that company, any portion of that Table.

Interpretation.

Interpretation.

380.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them (that is to say):—

"Annual return" means the return required to be made, in the case of a company having a share capital, under section one hundred and eight, and, in the case of a company not having a share capital, under section one hundred and nine, of this Act;

"Articles" means the articles of association of a company, as originally framed or as altered by special resolution, including, so far as they apply to the company, the regulations contained (as the case may be) in Table B in the Schedule annexed to the Joint Stock Companies Act, 1856, or in Table A in the First Schedule annexed to the Companies Act, 1862, or in that Table as altered in pursuance of section seventy-one of the last-mentioned Act, or in Table A in the First Schedule to the Companies (Consolidation) Act, 1908, or in that Table as altered in pursuance of section one hundred and eighteen of the last mentioned Act, or in Table A in the First Schedule to this Act;

19 & 20 Vict. c. 47.

"Book and paper" and "book or paper" include accounts, deeds, writings, and documents;

PART XIII. —*cont.*

"Company" means a company formed and registered under this Act or an existing company;

"Existing company" means a company formed and registered under the Joint Stock Companies Acts, the Companies Act, 1862, or the Companies (Consolidation) Act, 1908, but does not include a company registered under the said enactments in Northern Ireland or the Irish Free State;

"Company within the stannaries" means a company engaged in or formed for working mines within the stannaries;

"The court" used in relation to a company means the court having jurisdiction to wind up the company;

"The court exercising the stannaries jurisdiction" used in relation to any proceedings means the county court in which the jurisdiction formerly exercised by the court of the vice-warden of the stannaries in respect of those proceedings is for the time being vested;

"Debenture" includes debenture stock, bonds and any other securities of a company whether constituting a charge on the assets of the company or not;

"Director" includes any person occupying the position of director by whatever name called;

"Document" includes summons, notice, order, and other legal process, and registers;

"The Gazette" means, as respects companies registered in England, the London Gazette and as respects companies registered in Scotland, the Edinburgh Gazette;

"General rules" means general rules made under section three hundred and five of this Act, and includes forms;

"Joint Stock Companies Acts" means the Joint Stock Companies Act, 1856, the Joint Stock Companies Acts, 1856, 1857, the Joint Stock Banking Companies Act, 1857, and the Act to enable Joint Stock Banking Companies to be formed on the principle of limited liability, or

20 & 21 Vict. c. 14.
20 & 21 Vict. c. 49.
21 & 22 Vict. c. 91.

PART XIII. —*cont.*

any one or more of those Acts, as the case may require; but does not include the Act passed in the eighth year of the reign of Her Majesty Queen Victoria, chapter one hundred and ten, intituled An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies;

"Memorandum" means the memorandum of association of a company, as originally framed or as altered in pursuance of any enactment;

"Prescribed" means as respects the provisions of this Act relating to the winding-up of companies, prescribed by general rules, and as respects the other provisions of this Act, prescribed by the Board of Trade;

"Prospectus" means any prospectus, notice, circular, advertisement, or other invitation, offering to the public for subscription or purchase any shares or debentures of a company;

"Real and personal," as respects Scotland, means heritable and moveable;

"The registrar of companies," or, when used in relation to registration of companies, "the registrar," means the registrar or other officer performing under this Act the duty of registration of companies in England or Scotland, or in the stannaries, as the case requires;

"Share" means share in the share capital of a company, and includes stock except where a distinction between stock and shares is expressed or implied;

"Table A" means Table A in the First Schedule to this Act.

(2) A person shall not be deemed to be within the meaning of any provision in this Act a person in accordance with whose directions or instructions the directors of a company are accustomed to act, by reason only that the directors of the company act on advice given by him in a professional capacity.

Repeal, Savings, Extent, Short Title and Commencement. PART XIII. —*cont.*

Repeal.

381.—(1) The enactments mentioned in the First Part of the Twelfth Schedule to this Act are hereby repealed to the extent specified in the third column of that Part.

(2) Without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889— 52 & 53 Vict. c. 63.

(*a*) nothing in this repeal shall affect any Order in Council, order, rule, regulation, scale of fees, appointment, conveyance, mortgage, deed or agreement made, resolution passed, direction given, proceeding taken, instrument issued or thing done under any former enactment relating to companies, but any such Order in Council, order, rule, regulation, scale of fees, appointment, conveyance, mortgage, deed, agreement, resolution, direction, proceeding, instrument or thing shall, if in force at the commencement of this Act, continue in force, and so far as it could have been made, passed, given, taken, issued or done under this Act shall have effect as if made, passed, given, taken, issued or done under this Act:

Provided that any rule made under section two hundred and thirty-eight of the Companies (Consolidation) Act, 1908, shall be deemed to have been made, in the case of a rule made with respect to fees in the High Court under section two hundred and thirteen of the Supreme Court of Judicature (Consolidation) Act, 1925, and with respect to any other matter in the High Court under section ninety-nine of that Act, and, in the case of a rule made with respect to proceedings in the court exercising the stannaries jurisdiction, under section one hundred and sixty-four of the County Courts Act, 1888; 51 & 52 Vict. c. 43.

(*b*) any document referring to any former enactment relating to companies shall be construed as referring to the corresponding enactment of this Act;

PART XIII.—*cont.*

(*c*) any person appointed to any office under or by virtue of any former enactment relating to companies shall be deemed to have been appointed to that office under or by virtue of this Act;

(*d*) any register kept under any former enactment relating to companies shall be deemed part of the register to be kept under the corresponding provisions of this Act;

(*e*) all funds and accounts constituted under this Act shall be deemed to be in continuation of the corresponding funds and accounts constituted under the former enactments relating to companies.

(3) In this section the expression "former enactment relating to companies" means any enactment repealed by this Act and any enactment repealed by the Companies (Consolidation) Act, 1908.

Savings.

382. Nothing in this Act shall affect—

(1) The incorporation of any company registered under any enactment hereby repealed;

(2) Table B in the schedule annexed to the Joint Stock Companies Act, 1856, or any part thereof, so far as the same applies to any company existing at the commencement of this Act;

(3) Table A in the First Schedule annexed to the Companies Act, 1862, or any part thereof, either as originally contained in that schedule or as altered in pursuance of section seventy-one of that Act, so far as the same applies to any company existing at the commencement of this Act;

(4) Table A in the First Schedule to the Companies (Consolidation) Act, 1908, or any part thereof, either as originally contained in that Schedule or as altered in pursuance of section one hundred and eighteen of that Act, so far as the same applies to any company existing at the commencement of this Act;

PART XIII. —*cont.*

(5) The enactments set out in the second Part of the Twelfth Schedule to this Act, being the enactments continued in force by section two hundred and five of the Companies Act, 1862;

(6) The power of a company to alter its memorandum under the provisions of section three of the Mortgage Debenture Act, 1865; 28 & 29 Vict. c. 78.

(7) The provisions of section five of the Trade Union Act, 1871: 34 & 35 Vict. c. 31.

Provided that the reference in that section to the Companies Acts, 1862 and 1867, shall be read as a reference to this Act.

Saving of pending proceedings for winding up.

383. The provisions of this Act with respect to winding up shall not apply to any company of which the winding up has commenced before the commencement of this Act, but every such company shall be wound up in the same manner and with the same incidents as if this Act had not passed, and, for the purposes of the winding up, the Act or Acts under which the winding up commenced shall be deemed to remain in full force.

Application to Ireland.

384.—(1) Nothing in this Act, except the provisions thereof which relate expressly to companies registered or incorporated in Northern Ireland or outside Great Britain, shall apply to or in relation to companies registered or incorporated in Northern Ireland.

(2) Nothing in this Act, except where it is expressly provided to the contrary, shall affect the law in force in Northern Ireland at the commencement of this Act.

Short title and commencement.

385.—(1) This Act may be cited as the Companies Act, 1929.

(2) This Act shall come into operation on the first day on which, by virtue of Orders made by His Majesty in Council under subsection (4) of section one hundred and eighteen of the Companies Act, 1928, all the provisions of that Act will be in operation. 18 & 19 Geo. 5. c. 45.

SCHEDULES.

FIRST SCHEDULE.

Sections 8, 115, 333, 379, 380.

TABLE A.

REGULATIONS FOR MANAGEMENT OF A COMPANY LIMITED BY SHARES.

Preliminary.

1. In these regulations :—

"The Act" means the Companies Act, 1929.

When any provision of the Act is referred to, the reference is to that provision as modified by any statute for the time being in force.

Unless the context otherwise requires, expressions defined in the Act or any statutory modification thereof in force at the date at which these regulations become binding on the company, shall have the meanings so defined.

Shares.

2. Subject to the provisions, if any, in that behalf of the memorandum of association, and without prejudice to any special rights previously conferred on the holders of existing shares, any share may be issued with such preferred, deferred, or other special rights, or such restrictions, whether in regard to dividend, voting, return of share capital, or otherwise, as the company may from time to time by special resolution determine, and any preference share may, with the sanction of a special resolution, be issued on the terms that it is, or at the option of the company is liable, to be redeemed.

3. If at any time the share capital is divided into different classes of shares, the rights attached to any class (unless otherwise provided by the terms of issue of the shares of that class) may be varied with the consent in writing of the holders of three-fourths of the issued shares of that class, or with the sanction of an extraordinary resolution passed at a separate general meeting of the holders of the shares of the class. To every such separate general meeting the provisions of these regulations relating to general meetings shall mutatis mutandis apply, but

so that the necessary quorum shall be two persons at least holding or representing by proxy one-third of the issued shares of the class and that any holder of shares of the class present in person or by proxy may demand a poll.

4. Every person whose name is entered as a member in the register of members shall, without payment, be entitled to a certificate under the seal of the company specifying the share or shares held by him and the amount paid up thereon, provided that in respect of a share or shares held jointly by several persons the company shall not be bound to issue more than one certificate, and delivery of a certificate for a share to one of several joint holders shall be sufficient delivery to all.

5. If a share certificate is defaced, lost, or destroyed, it may be renewed on payment of such fee, if any, not exceeding one shilling, and on such terms, if any, as to evidence and indemnity, as the directors think fit.

6. No part of the funds of the company shall directly or indirectly be employed in the purchase of, or in loans upon the security of, the company's shares, but nothing in this regulation shall prohibit transactions mentioned in the proviso to section 45 (1) of the Act.

Lien.

7. The company shall have a lien on every share (not being a fully paid share) for all moneys (whether presently payable or not) called or payable at a fixed time in respect of that share, and the company shall also have a lien on all shares (other than fully paid shares) standing registered in the name of a single person for all moneys presently payable by him or his estate to the company; but the directors may at any time declare any share to be wholly or in part exempt from the provisions of this regulation. The company's lien, if any, on a share shall extend to all dividends payable thereon.

8. The company may sell, in such manner as the directors think fit, any shares on which the company has a lien, but no sale shall be made unless some sum in respect of which the lien exists is presently payable, nor until the expiration of fourteen days after a notice in writing, stating and demanding payment of such part of the amount in respect of which the lien exists as is presently payable, has been given to the registered holder for the time being of the share, or the person entitled thereto by reason of his death or bankruptcy.

9. For giving effect to any such sale the directors may authorise some person to transfer the shares sold to the purchaser

1ST SCH. TABLE A. —*cont.*

thereof. The purchaser shall be registered as the holder of the shares comprised in any such transfer and he shall not be bound to see to the application of the purchase money, nor shall his title to the shares be affected by any irregularity or invalidity in the proceedings in reference to the sale.

10. The proceeds of the sale shall be received by the company and applied in payment of such part of the amount in respect of which the lien exists as is presently payable, and the residue shall (subject to a like lien for sums not presently payable as existed upon the shares prior to the sale) be paid to the person entitled to the shares at the date of the sale.

Calls on Shares.

11. The directors may from time to time make calls upon the members in respect of any moneys unpaid on their shares provided that no call shall exceed one-fourth of the nominal amount of the share, or be payable at less than one month from the last call; and each member shall (subject to receiving at least fourteen days' notice specifying the time or times of payment) pay to the company at the time or times so specified the amount called on his shares.

12. The joint holders of a share shall be jointly and severally liable to pay all calls in respect thereof.

13. If a sum called in respect of a share is not paid before or on the day appointed for payment thereof, the person from whom the sum is due shall pay interest upon the sum at the rate of five pounds per centum per annum from the day appointed for the payment thereof to the time of the actual payment, but the directors shall be at liberty to waive payment of that interest wholly or in part.

14. The provisions of these regulations as to the liability of joint holders and as to payment of interest shall apply in the case of non-payment of any sum which, by the terms of issue of a share, becomes payable at a fixed time, whether on account of the amount of the share, or by way of premium, as if the same had become payable by virtue of a call duly made and notified.

15. The directors may make arrangements on the issue of shares for a difference between the holders in the amount of calls to be paid and in the times of payment.

16. The directors may, if they think fit, receive from any member willing to advance the same all or any part of the moneys uncalled and unpaid upon any shares held by him; and upon all or any of the moneys so advanced may (until the same would, but for such advance, become presently payable) pay interest at such rate (not exceeding, without the sanction of the company

in general meeting, six per cent.) as may be agreed upon between the member paying the sum in advance and the directors. 1ST SCH. TABLE A. —*cont.*

Transfer and Transmission of Shares.

17. The instrument of transfer of any share shall be executed by or on behalf of the transferor and transferee, and the transferor shall be deemed to remain a holder of the share until the name of the transferee is entered in the register of members in respect thereof.

18. Shares shall be transferred in the following form, or in any usual or common form which the directors shall approve :

I, *A.B.*, of , in consideration of the sum of £ paid to me by *C.D.* of (herein-after called "the said transferee") do hereby transfer to the said transferee the share [*or shares*] numbered in the undertaking called the Company, Limited, to hold unto the said transferee, subject to the several conditions on which I hold the same: and I, the said transferee, do hereby agree to take the said share [*or shares*] subject to the conditions aforesaid. As witness our hands the day of

Witness to the signatures of, &c.

19. The directors may decline to register any transfer of shares, not being fully paid shares, to a person of whom they do not approve, and may also decline to register any transfer of shares on which the company has a lien. The directors may also suspend the registration of transfers during the fourteen days immediately preceding the ordinary general meeting in each year. The directors may decline to recognise any instrument of transfer unless—

(*a*) a fee not exceeding two shillings and sixpence is paid to the company in respect thereof, and

(*b*) the instrument of transfer is accompanied by the certificate of the shares to which it relates, and such other evidence as the directors may reasonably require to show the right of the transferor to make the transfer.

If the directors refuse to register a transfer of any shares, they shall within two months after the date on which the transfer was lodged with the company send to the transferee notice of the refusal.

1ST SCH. TABLE A. —*cont.*

20. The legal personal representatives of a deceased sole holder of a share shall be the only persons recognised by the company as having any title to the share. In the case of a share registered in the names of two or more holders, the survivors or survivor, or the legal personal representatives of the deceased survivor, shall be the only persons recognised by the company as having any title to the share.

21. Any person becoming entitled to a share in consequence of the death or bankruptcy of a member shall, upon such evidence being produced as may from time to time be properly required by the directors, have the right, either to be registered as a member in respect of the share or, instead of being registered himself, to make such transfer of the share as the deceased or bankrupt person could have made; but the directors shall, in either case, have the same right to decline or suspend registration as they would have had in the case of a transfer of the share by the deceased or bankrupt person before the death or bankruptcy.

22. A person becoming entitled to a share by reason of the death or bankruptcy of the holder shall be entitled to the same dividends and other advantages to which he would be entitled if he were the registered holder of the share, except that he shall not, before being registered as a member in respect of the share, be entitled in respect of it to exercise any right conferred by membership in relation to meetings of the company.

Forfeiture of Shares.

23. If a member fails to pay any call or instalment of a call on the day appointed for payment thereof, the directors may, at any time thereafter during such time as any part of such call or instalment remains unpaid, serve a notice on him requiring payment of so much of the call or instalment as is unpaid, together with any interest which may have accrued.

24. The notice shall name a further day (not earlier than the expiration of fourteen days from the date of the notice) on or before which the payment required by the notice is to be made, and shall state that in the event of non-payment at or before the time appointed the shares in respect of which the call was made will be liable to be forfeited.

25. If the requirements of any such notice as aforesaid are not complied with, any share in respect of which the notice has been given may at any time thereafter, before the payment

required by the notice has been made, be forfeited by a resolution of the directors to that effect.

26. A forfeited share may be sold or otherwise disposed of on such terms and in such manner as the directors think fit, and at any time before a sale or disposition the forfeiture may be cancelled on such terms as the directors think fit.

27. A person whose shares have been forfeited shall cease to be a member in respect of the forfeited shares, but shall, notwithstanding, remain liable to pay to the company all moneys which, at the date of forfeiture, were presently payable by him to the company in respect of the shares, but his liability shall cease if and when the company receive payment in full of the nominal amount of the shares.

28. A statutory declaration in writing that the declarant is a director of the company, and that a share in the company has been duly forfeited on a date stated in the declaration, shall be conclusive evidence of the facts therein stated as against all persons claiming to be entitled to the share. The company may receive the consideration, if any, given for the share on any sale or disposition thereof and may execute a transfer of the share in favour of the person to whom the share is sold or disposed of and he shall thereupon be registered as the holder of the share, and shall not be bound to see to the application of the purchase money, if any, nor shall his title to the share be affected by any irregularity or invalidity in the proceedings in reference to the forfeiture, sale or disposal of the share.

29. The provisions of these regulations as to forfeiture shall apply in the case of non-payment of any sum which, by the terms of issue of a share, becomes payable at a fixed time, whether on account of the amount of the share, or by way of premium, as if the same had been payable by virtue of a call duly made and notified.

Conversion of Shares into Stock.

30. The company may by ordinary resolution convert any paid-up shares into stock, and reconvert any stock into paid-up shares of any denomination.

31. The holders of stock may transfer the same, or any part thereof, in the same manner, and subject to the same regulations, as, and subject to which, the shares from which the stock arose might previously to conversion have been transferred, or as near thereto as circumstances admit; but the directors may from time to time fix the minimum amount of stock transferable, and restrict or forbid the transfer of fractions of that minimum, but

1ST SCH. TABLE A. —*cont.*

the minimum shall not exceed the nominal amount of the shares from which the stock arose.

32. The holders of stock shall, according to the amount of the stock held by them, have the same rights, privileges, and advantages as regards dividends, voting at meetings of the company, and other matters as if they held the shares from which the stock arose, but no such privilege or advantage (except participation in the dividends and profits of the company) shall be conferred by any such aliquot part of stock as would not, if existing in shares, have conferred that privilege or advantage.

33. Such of the regulations of the company as are applicable to paid-up shares shall apply to stock, and the words "share" and "shareholder" therein shall include "stock" and "stockholder."

Alteration of Capital.

34. The company may from time to time by ordinary resolution increase the share capital by such sum, to be divided into shares of such amount, as the resolution shall prescribe.

35. Subject to any direction to the contrary that may be given by the company in general meeting, all new shares shall, before issue, be offered to such persons as at the date of the offer are entitled to receive notices from the company of general meetings in proportion, as nearly as the circumstances admit, to the amount of the existing shares to which they are entitled. The offer shall be made by notice specifying the number of shares offered, and limiting a time within which the offer, if not accepted, will be deemed to be declined, and after the expiration of that time, or on the receipt of an intimation from the person to whom the offer is made that he declines to accept the shares offered, the directors may dispose of those shares in such manner as they think most beneficial to the company. The directors may likewise so dispose of any new shares which (by reason of the ratio which the new shares bear to shares held by persons entitled to an offer of new shares) cannot, in the opinion of the directors, be conveniently offered under this article.

36. The new shares shall be subject to the same provisions with reference to the payment of calls, lien, transfer, transmission, forfeiture, and otherwise as the shares in the original share capital.

37. The company may by ordinary resolution—

(*a*) Consolidate and divide all or any of its share capital into shares of larger amount than its existing shares;

1ST SCH. TABLE A. —*cont.*

(*b*) Sub-divide its existing shares, or any of them, into shares of smaller amount than is fixed by the memorandum of association subject, nevertheless, to the provisions of section 50 (1) (*d*) of the Act;

(*c*) Cancel any shares which, at the date of the passing of the resolution, have not been taken or agreed to be taken by any person.

38. The company may by special resolution reduce its share capital and any capital redemption reserve fund in any manner and with, and subject to, any incident authorised, and consent required, by law.

General Meetings.

39. A general meeting shall be held once in every calendar year at such time (not being more than fifteen months after the holding of the last preceding general meeting) and place as may be prescribed by the company in general meeting, or, in default, at such time in the third month following that in which the anniversary of the company's incorporation occurs, and at such place, as the directors shall appoint. In default of a general meeting being so held, a general meeting shall be held in the month next following, and may be convened by any two members in the same manner as nearly as possible as that in which meetings are to be convened by the directors.

40. The above-mentioned general meetings shall be called ordinary general meetings; all other general meetings shall be called extraordinary general meetings.

41. The directors may, whenever they think fit, convene an extraordinary general meeting, and extraordinary general meetings shall also be convened on such requisition, or, in default, may be convened by such requisitionists, as provided by section 114 of the Act. If at any time there are not within the United Kingdom sufficient directors capable of acting to form a quorum, any director or any two members of the company may convene an extraordinary general meeting in the same manner as nearly as possible as that in which meetings may be convened by the directors.

Notice of General Meetings.

42. Subject to the provisions of section 117 (2) of the Act relating to special resolutions, seven days' notice at the least (exclusive of the day on which the notice is served or deemed to be served, but inclusive of the day for which notice is given) specifying the place, the day, and the hour of meeting and, in case of special business, the general nature of that business shall

1ST SCH. TABLE A. —*cont.*

be given in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the company in general meeting, to such persons as are, under the regulations of the company, entitled to receive such notices from the company; but with the consent of all the members entitled to receive notice of some particular meeting, that meeting may be convened by such shorter notice and in such manner as those members may think fit.

43. The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by, any member shall not invalidate the proceedings at any meeting.

Proceedings at General Meetings.

44. All business shall be deemed special that is transacted at an extraordinary meeting, and all that is transacted at an ordinary meeting, with the exception of sanctioning a dividend, the consideration of the accounts, balance sheets, and the ordinary report of the directors and auditors, the election of directors and other officers in the place of those retiring by rotation, and the fixing of the remuneration of the auditors.

45. No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business; save as herein otherwise provided, three members personally present shall be a quorum.

46. If within half an hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved; in any other case it shall stand adjourned to the same day in the next week, at the same time and place, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting the members present shall be a quorum.

47. The chairman, if any, of the board of directors shall preside as chairman at every general meeting of the company.

48. If there is no such chairman, or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting or is unwilling to act as chairman, the members present shall choose some one of their number to be chairman.

49. The chairman may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for ten days or more, notice of the adjourned meeting

shall be given as in the case of an original meeting. Save as aforesaid it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

50. At any general meeting a resolution put to the vote of the meeting shall be decided on a show of hands, unless a poll is (before or on the declaration of the result of the show of hands) demanded by at least three members present in person or by proxy entitled to vote or by one member or two members so present and entitled, if that member or those two members together hold not less than 15 per cent. of the paid up capital of the company, and, unless a poll is so demanded, a declaration by the chairman that a resolution has, on a show of hands, been carried, or carried unanimously, or by a particular majority, or lost, and an entry to that effect in the book of the proceedings of the company, shall be conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

51. If a poll is duly demanded it shall be taken in such manner as the chairman directs, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

52. In the case of an equality of votes, whether on a show of hands or on a poll, the chairman of the meeting at which the show of hands takes place or at which the poll is demanded, shall be entitled to a second or casting vote.

53. A poll demanded on the election of a chairman or on a question of adjournment, shall be taken forthwith. A poll demanded on any other question shall be taken at such time as the chairman of the meeting directs.

Votes of Members.

54. On a show of hands every member present in person shall have one vote. On a poll every member shall have one vote for each share of which he is the holder.

55. In the case of joint holders the vote of the senior who tenders a vote whether in person or by proxy, shall be accepted to the exclusion of the votes of the other joint holders; and for this purpose seniority shall be determined by the order in which the names stand in the register of members.

56. A member of unsound mind, or in respect of whom an order has been made by any court having jurisdiction in lunacy, may vote, whether on a show of hands or on a poll, by his committee, curator bonis, or other person in the nature of a committee or curator bonis appointed by that court, and any

1ST SCH. TABLE A, —*cont.*

such committee, curator bonis, or other person may, on a poll, vote by proxy.

57. No member shall be entitled to vote at any general meeting unless all calls or other sums presently payable by him in respect of shares in the company have been paid.

58. On a poll votes may be given either personally or by proxy.

59. The instrument appointing a proxy shall be in writing under the hand of the appointor or of his attorney duly authorised in writing, or, if the appointor is a corporation, either under seal, or under the hand of an officer or attorney duly authorised. A proxy need not be a member of the company.

60. The instrument appointing a proxy and the power of attorney or other authority, if any, under which it is signed or a notarially certified copy of that power or authority shall be deposited at the registered office of the company not less than forty-eight hours before the time for holding the meeting or adjourned meeting, at which the person named in the instrument proposes to vote, and in default the instrument of proxy shall not be treated as valid.

61. An instrument appointing a proxy may be in the following form, or any other form which the directors shall approve :—

Company, Limited.

" I, , of ,
in the county of , being a member
of the Company, Limited,
hereby appoint , of
, as my proxy, to vote for me and
on my behalf at the [*ordinary or extraordinary, as the case may be*] general meeting of the company to be
held on the day of
and at any adjournment thereof."

Signed this day of .

62. The instrument appointing a proxy shall be deemed to confer authority to demand or join in demanding a poll.

Corporations acting by Representatives at Meetings.

63. Any corporation which is a member of the company may by resolution of its directors or other governing body authorise such person as it thinks fit to act as its representative at any meeting of the company or of any class of members of the

company, and the person so authorised shall be entitled to exercise the same powers on behalf of the corporation which he represents as that corporation could exercise if it were an individual member of the company.

Directors.

64. The number of the directors and the names of the first directors shall be determined in writing by a majority of the subscribers of the memorandum of association.

65. The remuneration of the directors shall from time to time be determined by the company in general meeting.

66. The qualification of a director shall be the holding of at least one share in the company.

Powers and Duties of Directors.

67. The business of the company shall be managed by the directors, who may pay all expenses incurred in getting up and registering the company, and may exercise all such powers of the company, as are not, by the Act, or by these articles, required to be exercised by the company in general meeting, subject, nevertheless, to any regulation of these articles, to the provisions of the Act, and to such regulations, being not inconsistent with the aforesaid regulations or provisions, as may be prescribed by the company in general meeting; but no regulation made by the company in general meeting shall invalidate any prior act of the directors which would have been valid if that regulation had not been made.

68. The directors may from time to time appoint one or more of their body to the office of managing director or manager for such term and at such remuneration (whether by way of salary, or commission, or participation in profits, or partly in one way and partly in another) as they may think fit, and a director so appointed shall not, while holding that office, be subject to retirement by rotation, or taken into account in determining the rotation or retirement of directors; but his appointment shall be subject to determination ipso facto if he ceases from any cause to be a director, or if the company in general meeting resolve that his tenure of the office of managing director or manager be determined.

69. The amount for the time being remaining undischarged of moneys borrowed or raised by the directors for the purposes of the company (otherwise than by the issue of share capital) shall not at any time exceed the issued share capital of the company without the sanction of the company in general meeting.

1ST SCH. TABLE A: —*cont.*

70. The directors shall cause minutes to be made in books provided for the purpose—

(*a*) Of all appointments of officers made by the directors;

(*b*) Of the names of the directors present at each meeting of the directors and of any committee of the directors;

(*c*) Of all resolutions and proceedings at all meetings of the company, and of the directors, and of committees of directors;

and every director present at any meeting of directors or committee of directors shall sign his name in a book to be kept for that purpose.

The Seal.

71. The seal of the company shall not be affixed to any instrument except by the authority of a resolution of the board of directors, and in the presence of a director and of the secretary or such other person as the directors may appoint for the purpose; and that director and the secretary or other person as aforesaid shall sign every instrument to which the seal of the company is so affixed in their presence.

Disqualification of Directors.

72. The office of director shall be vacated, if the director—

(*a*) ceases to be a director by virtue of section 141 of the Act; or

(*b*) without the consent of the company in general meeting holds any other office of profit under the company except that of managing director or manager; or

(*c*) becomes bankrupt; or

(*d*) becomes prohibited from being a director by reason of any order made under sections 217 or 275 of the Act; or

(*e*) is found lunatic or becomes of unsound mind; or

(*f*) resigns his office by notice in writing to the company; or

(*g*) is directly or indirectly interested in any contract with the company or participates in the profits of any contract with the company.

Provided, however, that a director shall not vacate his office by reason of his being a member of any corporation which has entered into contracts with or done any work for the company if he shall have declared the nature of his interest in manner required by section 149 of the Act, but the director shall not vote in respect of any such contract or work or any matter arising thereout, and if he does so vote his vote shall not be counted.

Rotation of Directors.

73. At the first ordinary general meeting of the company the whole of the directors shall retire from office, and at the ordinary general meeting in every subsequent year one-third of the directors for the time being, or, if their number is not three or a multiple of three, then the number nearest one-third, shall retire from office.

74. The directors to retire in every year shall be those who have been longest in office since their last election but as between persons who became directors on the same day those to retire shall (unless they otherwise agree among themselves) be determined by lot.

75. A retiring director shall be eligible for re-election.

76. The company at the general meeting at which a director retires in manner aforesaid may fill up the vacated office by electing a person thereto and in default the retiring director shall be deemed to have been re-elected unless at such meeting it is resolved not to fill up such vacated office.

77. The company may from time to time in general meeting increase or reduce the number of directors, and may also determine in what rotation the increased or reduced number is to go out of office.

78. Any casual vacancy occurring in the board of directors may be filled up by the directors, but the person so chosen shall be subject to retirement at the same time as if he had become a director on the day on which the director in whose place he is appointed was last elected a director.

79. The directors shall have power at any time, and from time to time, to appoint a person as an additional director who shall retire from office at the next following ordinary general meeting, but shall be eligible for election by the company at that meeting as an additional director.

80. The company may by extraordinary resolution remove any director before the expiration of his period of office, and may by an ordinary resolution appoint another person in his stead. The person so appointed shall be subject to retirement at the same time as if he had become a director on the day on which the director in whose place he is appointed was last elected a director.

Proceedings of Directors.

81. The directors may meet together for the despatch of business, adjourn, and otherwise regulate their meetings, as they think fit. Questions arising at any meeting shall be decided by

1ST SCH. TABLE A. —*cont.*

a majority of votes. In case of an equality of votes the chairman shall have a second or casting vote. A director may, and the secretary on the requisition of a director shall, at any time summon a meeting of the directors.

82. The quorum necessary for the transaction of the business of the directors may be fixed by the directors, and unless so fixed shall when the number of directors exceeds three be three, and when the number of directors does not exceed three, be two.

83. The continuing directors may act notwithstanding any vacancy in their body, but, if and so long as their number is reduced below the number fixed by or pursuant to the regulations of the company as the necessary quorum of directors, the continuing directors may act for the purpose of increasing the number of directors to that number, or of summoning a general meeting of the company, but for no other purpose.

84. The directors may elect a chairman of their meetings and determine the period for which he is to hold office; but if no such chairman is elected, or if at any meeting the chairman is not present within five minutes after the time appointed for holding the same, the directors present may choose one of their number to be chairman of the meeting.

85. The directors may delegate any of their powers to committees consisting of such member or members of their body as they think fit; any committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on it by the directors.

86. A committee may elect a chairman of its meetings; if no such chairman is elected, or if at any meeting the chairman is not present within five minutes after the time appointed for holding the same, the members present may choose one of their number to be chairman of the meeting.

87. A committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present, and in case of an equality of votes the chairman shall have a second or casting vote.

88. All acts done by any meeting of the directors or of a committee of directors, or by any person acting as a director, shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such director or person acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

Dividends and Reserve.

89. The company in general meeting may declare dividends, but no dividend shall exceed the amount recommended by the directors.

90. The directors may from time to time pay to the members such interim dividends as appear to the directors to be justified by the profits of the company.

91. No dividend shall be paid otherwise than out of profits.

92. Subject to the rights of persons, if any, entitled to shares with special rights as to dividends, all dividends shall be declared and paid according to the amounts paid on the shares, but if and so long as nothing is paid up on any of the shares in the company dividends may be declared and paid according to the amounts of the shares. No amount paid on a share in advance of calls shall, while carrying interest, be treated for the purposes of this article as paid on the share.

93. The directors may, before recommending any dividend, set aside out of the profits of the company such sums as they think proper as a reserve or reserves which shall, at the discretion of the directors, be applicable for meeting contingencies, or for equalising dividends, or for any other purpose to which the profits of the company may be properly applied, and pending such application may, at the like discretion, either be employed in the business of the company or be invested in such investments (other than shares of the company) as the directors may from time to time think fit.

94. If several persons are registered as joint holders of any share, any one of them may give effectual receipts for any dividend or other moneys payable on or in respect of the share.

95. Any dividend may be paid by cheque or warrant sent through the post to the registered address of the member or person entitled thereto or in the case of joint holders to any one of such joint holders at his registered address or to such person and such address as the member or person entitled or such joint holders as the case may be may direct. Every such cheque or warrant shall be made payable to the order of the person to whom it is sent or to the order of such other person as the member or person entitled or such joint holders as the case may be may direct.

96. No dividend shall bear interest against the company.

1ST SCH. TABLE A. —*cont.*

Accounts.

97. The directors shall cause proper books of account to be kept with respect to—

All sums of money received and expended by the company and the matters in respect of which the receipt and expenditure takes place;

All sales and purchases of goods by the company; and

The assets and liabilities of the company.

98. The books of account shall be kept at the registered office of the company, or at such other place or places as the directors think fit, and shall always be open to the inspection of the directors.

99. The directors shall from time to time determine whether and to what extent and at what times and places and under what conditions or regulations the accounts and books of the company or any of them shall be open to the inspection of members not being directors, and no member (not being a director) shall have any right of inspecting any account or book or document of the company except as conferred by statute or authorised by the directors or by the company in general meeting.

100. The directors shall from time to time in accordance with section 123 of the Act, cause to be prepared and to be laid before the company in general meeting such profit and loss accounts, balance sheets and reports as are referred to in that section.

101. A copy of every balance sheet (including every document required by law to be annexed thereto) which is to be laid before the company in general meeting together with a copy of the Auditors' report shall not less than seven days before the date of the meeting be sent to all persons entitled to receive notices of general meetings of the company.

Audit.

102. Auditors shall be appointed and their duties regulated in accordance with sections 132, 133 and 134 of the Act.

Notices.

103. A notice may be given by the company to any member either personally or by sending it by post to him to his registered address, or (if he has no registered address within the United Kingdom) to the address, if any, within the United Kingdom supplied by him to the company for the giving of notices to him.

1ST SCH. TABLE A. —*cont.*

Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying, and posting a letter containing the notice, and to have been effected in the case of a notice of a meeting at the expiration of 24 hours after the letter containing the same is posted, and in any other case at the time at which the letter would be delivered in the ordinary course of post.

104. If a member has no registered address within the United Kingdom and has not supplied to the company an address within the United Kingdom for the giving of notices to him, a notice addressed to him and advertised in a newspaper circulating the neighbourhood of the registered office of the company, shall be deemed to be duly given to him at noon on the day on which the advertisement appears.

105. A notice may be given by the company to the joint holders of a share by giving the notice to the joint holder named first in the register of members in respect of the share.

106. A notice may be given by the company to the persons entitled to a share in consequence of the death or bankruptcy of a member by sending it through the post in a prepaid letter addressed to them by name, or by the title of representatives of the deceased, or trustee of the bankrupt, or by any like description, at the address, if any, within the United Kingdom supplied for the purpose by the persons claiming to be so entitled, or (until such an address has been so supplied) by giving the notice in any manner in which the same might have been given if the death or bankruptcy had not occurred.

107. Notice of every general meeting shall be given in some manner hereinbefore authorised to (*a*) every member except those members who (having no registered address within the United Kingdom) have not supplied to the company an address within the United Kingdom for the giving of notices to them, and also to (*b*) every person entitled to a share in consequence of the death or bankruptcy of a member, who, but for his death or bankruptcy, would be entitled to receive notice of the meeting. No other persons shall be entitled to receive notices of general meetings.

TABLE B.

Sections 11 and 379.

FORM OF MEMORANDUM OF ASSOCIATION OF A COMPANY LIMITED BY SHARES.

1st. The name of the company is "The Eastern Steam Packet Company, Limited."

2nd. The registered office of the company will be situate in England.

1ST SCH. TABLE B. —*cont.*

3rd. The objects for which the company is established are, "the conveyance of passengers and goods in ships or boats "between such places as the company may from time to time "determine, and the doing all such other things as are incidental "or conducive to the attainment of the above object."

4th. The liability of the members is limited.

5th. The share capital of the company is two hundred thousand pounds divided into one thousand shares of two hundred pounds each.

WE, the several persons whose names and addresses are subscribed, are desirous of being formed into a company, in pursuance of this memorandum of association, and we respectively agree to take the number of shares in the capital of the company set opposite our respective names.

Names, Addresses, and Descriptions of Subscribers.			Number of shares taken by each Subscriber.
"1. John Jones of	in the county of	merchant	200
"2. John Smith of	in the county of	"	25
"3. Thomas Green of	in the county of	"	30
"4. John Thompson of	in the county of	"	40
"5. Caleb White of	in the county of	"	15
"6. Andrew Brown of	in the county of	"	5
"7. Cæsar White of	in the county of	"	10
		Total shares taken	325"

Dated the day of 19 .

Witness to the above signatures,

A.B., No. 13, Hute Street, Clerkenwell, London.

Sections 11 and 379.

TABLE C.

FORM OF MEMORANDUM AND ARTICLES OF ASSOCIATION OF A COMPANY LIMITED BY GUARANTEE, AND NOT HAVING A SHARE CAPITAL.

Memorandum of Association.

1st. The name of the company is "The Kent School Association, Limited."

2nd. The registered office of the company will be situate in England.

3rd. The objects for which the company is established are the carrying on a school for boys in the county of Kent and the doing all such other things as are incidental or conducive to the attainment of the above object.

4th. The liability of the members is limited.

5th. Every member of the company undertakes to contribute to the assets of the company in the event of its being wound up while he is a member, or within one year afterwards, for payment of the debts and liabilities of the company contracted before he ceases to be a member, and the costs charges and expenses of winding up, and for the adjustment of the rights of the contributories among themselves, such amount as may be required not exceeding ten pounds.

WE, the several persons whose names and addresses are subscribed, are desirous of being formed into a company, in pursuance of this memorandum of association.

Names, Addresses, and Descriptions of Subscribers.

" 1. John Jones of	in the county of	schoolmaster.
" 2. John Smith of	in the county of	"
" 3. Thomas Green of	in the county of	"
" 4. John Thompson of	in the county of	"
" 5. Caleb White of	in the county of	"
" 6. Andrew Brown of	in the county of	"
" 7. Cæsar White of	in the county of	"

Dated the day of 19 .

Witness to the above signatures,

A.B., No. 13, Hute Street, Clerkenwell, London.

ARTICLES OF ASSOCIATION TO ACCOMPANY PRECEDING MEMORANDUM OF ASSOCIATION.

Preliminary.

1. In these regulations :—

The Act means the Companies Act, 1929.

When any provision of the Act is referred to the reference is to such provision as modified by any statute for the time being in force.

Unless the context otherwise requires, expressions defined in the Act or any statutory modification thereof in force at the date at which these regulations become binding on the company, shall have the meanings so defined.

1ST SCH. TABLE C. —*cont.*

Members.

2. The number of members with which the company proposes to be registered is 500, but the directors may from time to time register an increase of members.

3. The subscribers to the memorandum of association and such other persons as the directors shall admit to membership shall be members of the company.

General Meetings.

4. The first general meeting shall be held at such time, not being less than one month nor more than three months after the incorporation of the company, and at such place, as the directors may determine.

5. A general meeting shall be held once in every calendar year at such time (not being more than fifteen months after the holding of the last preceding general meeting) and place as may be prescribed by the company in general meeting, or, in default, at such time in the third month following that in which the anniversary of the company's incorporation occurs, and at such place as the directors shall appoint. In default of a general meeting being so held, a general meeting shall be held in the month next following, and may be convened by any two members in the same manner as nearly as possible as that in which meetings are to be convened by the directors.

6. The above-mentioned general meetings shall be called ordinary general meetings; all other general meetings shall be called extraordinary general meetings.

7. The directors may, whenever they think fit, convene an extraordinary general meeting, and extraordinary general meetings shall also be convened on such requisition, or, in default, may be convened by such requisitionists, as provided by section 114 of the Act. If at any time there are not within the United Kingdom sufficient directors capable of acting to form a quorum, any director or any two members of the company may convene an extraordinary general meeting in the same manner as nearly as possible as that in which meetings may be convened by the directors.

Notice of General Meetings.

8. Subject to the provisions of section 117 (2) of the Act relating to special resolutions, seven days' notice at the least (exclusive of the day on which the notice is served or deemed to be served, but inclusive of the day for which notice is given) specifying the place, the day, and the hour of meeting and, in case of special business, the general nature of that business shall

be given in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the company in general meeting, to such persons as are, under the regulations of the company, entitled to receive such notices from the company; but with the consent of all the members entitled to receive notice of some particular meeting, that meeting may be convened by such shorter notice and in such manner as those members may think fit.

9. The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by, any member shall not invalidate the proceedings at any meeting.

Proceedings at General Meetings.

10. All business shall be deemed special that is transacted at an extraordinary meeting, and all that is transacted at an ordinary meeting, with the exception of the consideration of the accounts, balance sheets, and the ordinary report of the directors and auditors, the election of directors and other officers in the place of those retiring by rotation, and the fixing of the remuneration of the auditors.

11. No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business; save as herein otherwise provided, three members personally present shall be a quorum.

12. If within half an hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved; in any other case it shall stand adjourned to the same day in the next week, at the same time and place, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting the members present shall be a quorum.

13. The chairman, if any, of the board of directors shall preside as chairman at every general meeting of the company.

14. If there is no such chairman, or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting or is unwilling to act as chairman, the members present shall choose some one of their number to be chairman.

15. The chairman may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting

1ST SCH. TABLE C. —*cont.*

from which the adjournment took place. When a meeting is adjourned for ten days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

16. At any general meeting a resolution put to the vote of the meeting shall be decided on a show of hands, unless a poll is (before or on the declaration of the result of the show of hands) demanded by at least two members present in person or by proxy entitled to vote and unless a poll is so demanded, a declaration by the chairman that a resolution has, on a show of hands, been carried, or carried unanimously, or by a particular majority, or lost, and an entry to that effect in the book of the proceedings of the company, shall be conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

17. If a poll is duly demanded it shall be taken in such manner as the chairman directs, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

18. In the case of an equality of votes, whether on a show of hands or on a poll, the chairman of the meeting at which the show of hands takes place or at which the poll is demanded, shall be entitled to a second or casting vote.

19. A poll demanded on the election of a chairman, or on a question of adjournment, shall be taken forthwith. A poll demanded on any other question shall be taken at such time as the chairman of the meeting directs.

Votes of Members.

20. Every member shall have one vote.

21. A member of unsound mind, or in respect of whom an order has been made, by any court having jurisdiction in lunacy, may vote, whether on a show of hands or on a poll, by his committee, curator bonis, or other person in the nature of a committee or curator bonis appointed by that court, and any such committee, curator bonis, or other person may, on a poll, vote by proxy.

22. No member shall be entitled to vote at any general meeting unless all moneys presently payable by him to the company have been paid.

23. On a poll votes may be given either personally or by proxy.

1st Sch. Table C. —*cont.*

24. The instrument appointing a proxy shall be in writing under the hand of the appointor or of his attorney duly authorised in writing, or, if the appointor is a corporation, either under the seal, or under the hand of an officer or attorney so authorised. A proxy need not be a member of the company.

25. The instrument appointing a proxy and the power of attorney or other authority, if any, under which it is signed or a notarially certified copy of that power or authority shall be deposited at the registered office of the company not less than forty-eight hours before the time for holding the meeting or adjourned meeting at which the person named in the instrument proposes to vote, and in default the instrument of proxy shall not be treated as valid.

26. An instrument appointing a proxy may be in the following form, or any other form which the directors shall approve :—

Company, Limited.

" I
of in the county of
being a member of the Company,
Limited, hereby appoint of
as my proxy to vote for me and
on my behalf at the [ordinary or extraordinary, *as the case may be*] general meeting of the company to be held on the day of
and at any adjournment thereof."

Signed this day of

27. The instrument appointing a proxy shall be deemed to confer authority to demand or join in demanding a poll.

Corporations acting by Representatives at Meetings.

28. Any corporation which is a member of the company may by resolution of its directors or other governing body authorise such person as it thinks fit to act as its representative at any meeting of the company and the person so authorised shall be entitled to exercise the same powers on behalf of the corporation which he represents as that corporation could exercise if it were an individual member of the company.

Directors.

29. The number of directors and the names of the first directors shall be determined in writing by a majority of the subscribers to the memorandum.

30. The remuneration of the directors shall from time to time be determined by the company in general meeting.

1ST SCH. TABLE C. —*cont.*

Powers and Duties of Directors.

31. The business of the company shall be managed by the directors, who may pay all expenses incurred in getting up and registering the company, and may exercise all such powers of the company as are not, by the Act, or by these articles, required to be exercised by the company in general meeting, subject nevertheless to any regulation of these articles, to the provisions of the Act, and to such regulations, being not inconsistent with the aforesaid regulations or provisions, as may be prescribed by the company in general meeting; but no regulation made by the company in general meeting shall invalidate any prior act of the directors which would have been valid if that regulation had not been made.

32. The directors shall cause minutes to be made in books provided for the purpose—

(*a*) of all appointments of officers made by the directors;

(*b*) of the names of the directors present at each meeting of the directors and of any committee of the directors;

(*c*) of all resolutions and proceedings at all meetings of the company, and of the directors, and of committees of directors;

and every director present at any meeting of directors or committee of directors shall sign his name in a book to be kept for that purpose.

The Seal.

33. The seal of the company shall not be affixed to any instrument except by the authority of a resolution of the board of directors, and in the presence of a director and of the secretary or such other person as the directors may appoint for the purpose; and that director and the secretary or other person as aforesaid shall sign every instrument to which the seal of the company is so affixed in their presence.

Disqualifications of Directors.

34. The office of director shall be vacated, if the director—

(*a*) without the consent of the company in general meeting holds any other office of profit under the company; or

(*b*) becomes bankrupt; or

(*c*) becomes prohibited from being a director by reason of any order made under sections 217 or 275 of the Act;

(*d*) is found lunatic or becomes of unsound mind; or

(*e*) resigns his office by notice in writing to the company;

(*f*) is directly or indirectly interested in any contract with the company and fails to declare the nature of his interest in manner required by section 149 of the Act.

A director shall not vote in respect of any contract in which he is interested or any matter arising thereout, and if he does so vote his vote shall not be counted.

Rotation of Directors.

35. At the first ordinary general meeting of the company the whole of the directors shall retire from office, and at the ordinary general meeting in every subsequent year one-third of the directors for the time being, or, if their number is not three or a multiple of three, then the number nearest one-third, shall retire from office.

36. The directors to retire in every year shall be those who have been longest in office since their last election but as between persons who became directors on the same day those to retire shall (unless they otherwise agree among themselves) be determined by lot.

37. A retiring director shall be eligible for re-election.

38. The company at the general meeting at which a director retires in manner aforesaid may fill up the vacated office by electing a person thereto and in default the retiring director shall be deemed to have been re-elected unless at such meeting it is resolved not to fill up such vacated office.

39. The company may from time to time in general meeting increase or reduce the number of directors, and may also determine in what rotation the increased or reduced number is to go out of office.

40. Any casual vacancy occurring in the board of directors may be filled up by the directors but the person so chosen shall be subject to retirement at the same time as if he had become a director on the day on which the director in whose place he is appointed was last elected a director.

41. The directors shall have power at any time, and from time to time, to appoint a person as an additional director who shall retire from office at the next following ordinary general meeting, but shall be eligible for election by the company at that meeting as an additional director.

42. The company may by extraordinary resolution remove any director before the expiration of his period of office, and may by an ordinary resolution appoint another person in his stead. The person so appointed shall be subject to retirement at the

1ST SCH. TABLE C. —*cont.*

same time as if he had become a director on the day on which the director in whose place he is appointed was last elected a director.

Proceedings of Directors.

43. The directors may meet together for the despatch of business, adjourn, and otherwise regulate their meetings, as they think fit. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes the chairman shall have a second or casting vote. A director may, and the secretary on the requisition of a director shall, at any time summon a meeting of the directors.

44. The quorum necessary for the transaction of the business of the directors may be fixed by the directors, and unless so fixed shall, when the number of directors exceed three, be three and shall, when the number of directors does not exceed three, be two.

45. The continuing directors may act notwithstanding any vacancy in their body, but, if and so long as their number is reduced below the number fixed by or pursuant to the regulations of the company as the necessary quorum of directors, the continuing directors may act for the purpose of increasing the number of directors to that number, or of summoning a general meeting of the company, but for no other purpose.

46. The directors may elect a chairman of their meetings and determine the period for which he is to hold office; but, if no such chairman is elected, or if at any meeting the chairman is not present within five minutes after the time appointed for holding the same, the directors present may choose one of their number to be chairman of the meeting.

47. The directors may delegate any of their powers to committees consisting of such member or members of their body as they think fit; any committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on them by the directors.

48. A committee may elect a chairman of its meetings; if no such chairman is elected, or if at any meeting the chairman is not present within five minutes after the time appointed for holding the same, the members present may choose one of their number to be chairman of the meeting.

49. A committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present, and in case of an equality of votes the chairman shall have a second or casting vote.

50. All acts done by any meeting of the directors or of a committee of directors, or by any person acting as a director, shall, notwithstanding that it be afterwards discovered that

there was some defect in the appointment of any such directors or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

1st Sch. Table C. —*cont.*

Accounts.

51. The directors shall cause proper books of account to be kept with respect to—

All sums of money received and expended by the company and the matter in respect of which the receipt and expenditure takes place;

All sales and purchases of goods by the company; and

The assets and liabilities of the company.

52. The books of account shall be kept at the registered office of the company, or at such other place or places as the directors think fit, and shall always be open to the inspection of the directors.

53. The directors shall from time to time determine whether and to what extent and at what times and places and under what conditions or regulations the accounts and books of the company or any of them shall be open to the inspection of members not being directors, and no member (not being a director) shall have any right of inspecting any account or book or document of the company except as conferred by statute or authorised by the directors or by the company in general meeting.

54. The directors shall from time to time in accordance with section 123 of the Act, cause to be prepared and to be laid before the company in general meeting such profit and loss accounts balance sheets and reports as are referred to in that section.

55. A copy of every balance sheet (including every document required by law to be annexed thereto) which is to be laid before the company in general meeting together with a copy of the auditor's report shall not less than seven days before the date of the meeting be sent to all persons entitled to receive notices of general meetings of the Company.

Audit.

56. Auditors shall be appointed and their duties regulated in accordance with sections 132, 133, and 134 of the Act.

Notices.

57. A notice may be given by the company to any member either personally or by sending it by post to him to his registered address, or (if he has no registered address within the United Kingdom) to the address, if any, within the United Kingdom supplied by him to the company for the giving of notices to him.

1ST SCH. TABLE C. —*cont.*

Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying, and posting a letter containing the notice, and to have been effected at the expiration of 24 hours after the letter containing the same was posted.

58. If a member has no registered address within the United Kingdom and has not supplied to the company an address within the United Kingdom for the giving of notices to him, a notice addressed to him and advertised in a newspaper circulating in the neighbourhood of the registered office of the company, shall be deemed to be duly given to him on the day on which the advertisement appears.

59. Notice of every general meeting shall be given in some manner hereinbefore authorised to every member except those members who (having no registered address within the United Kingdom) have not supplied to the company an address within the United Kingdom for the giving of notices to them. No other persons shall be entitled to receive notices of general meetings.

Names, Addresses and Descriptions of Subscribers.

"1. John Jones of	in the county of	schoolmaster.
"2. John Smith of	in the county of	"
"3. Thomas Green of	in the county of	"
"4. John Thompson of	in the county of	"
"5. Caleb White of	in the county of	"
"6. Andrew Brown of	in the county of	"
"7. Cæsar White of	in the county of	"

Dated the day of 19 .

Witness to the above signatures,

A.B., No. 20, Bond Street, London.

TABLE D.

Sections 11 and 379.

MEMORANDUM AND ARTICLES OF ASSOCIATION OF A COMPANY LIMITED BY GUARANTEE, AND HAVING A SHARE CAPITAL.

Memorandum of Association.

1st. The name of the company is "The Highland Hotel Company, Limited."

2nd. The registered office of the company will be situate in Scotland.

1st Sch. Table D. —*cont.*

3rd. The objects for which the company is established are "the facilitating travelling in the Highlands of Scotland, by "providing hotels and conveyances by sea and by land for the "accommodation of travellers, and the doing all such other "things as are incidental or conducive to the attainment of the "above object."

4th. The liability of the members is limited.

5th. Every member of the company undertakes to contribute to the assets of the company in the event of its being wound up while he is a member, or within one year afterwards, for payment of the debts and liabilities of the company, contracted before he ceases to be a member, and the costs, charges and expenses of winding up the same and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required, not exceeding twenty pounds.

6th. The share capital of the company shall consist of five hundred thousand pounds, divided into five thousand shares of one hundred pounds each.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a company, in pursuance of this memorandum of association, and we respectively agree to take the number of shares in the capital of the company set opposite our respective names.

Names, Addresses, and Descriptions of Subscribers.			Number of Shares taken by each Subscriber.
"1. John Jones of	in the county of	merchant	200
"2. John Smith of	in the county of	,,	25
"3. Thomas Green of	in the county of	,,	30
"4. John Thompson of	in the county of	,,	40
"5. Caleb White of	in the county of	,,	15
"6. Andrew Brown of	in the county of	,,	5
'7. Cæsar White of	in the county of	,,	10
		Total shares taken	325"

Dated the day of 19 .

Witness to the above signatures,

A.B., No. 13, Hute Street, Clerkenwell, London.

1ST SCH. TABLE D. —*cont.*

ARTICLES OF ASSOCIATION TO ACCOMPANY PRECEDING MEMORANDUM OF ASSOCIATION.

1. The Articles of Table A set out in the First Schedule to the Companies Act, 1929, shall be the articles of association of the company and apply to the company.

Names, Addresses, and Descriptions of Subscribers.

" 1. John Jones of	in the county of	merchant.
" 2. John Smith of	in the county of	,,
" 3. Thomas Green of	in the county of	,,
" 4. John Thompson of	in the county of	,,
" 5. Caleb White of	in the county of	,,
" 6. Andrew Brown of	in the county of	,,
" 7. Cæsar White of	in the county of	,,

Dated the day of 19 ."

Witness to the above signatures,

A.B., No. 13, Hute Street, Clerkenwell,
London.

TABLE E.

Sections 11 and 379.

MEMORANDUM AND ARTICLES OF ASSOCIATION OF AN UNLIMITED COMPANY HAVING A SHARE CAPITAL.

Memorandum of Association.

1st. The name of the company is " The Patent Stereotype Company."

2nd. The registered office of the company will be situate in England.

3rd. The objects for which the company is established are " the working of a patent method of founding and casting " stereotype plates, of which method John Smith of London, is " the sole patentee, and the doing of all such things as are inci- " dental or conducive to the attainment of the above objects."

1ST SCH. TABLE E. —*cont.*

WE, the several persons whose names are subscribed, are desirous of being formed into a company, in pursuance of this memorandum of association, and we respectively agree to take the number of shares in the capital of the company set opposite our respective names.

Names, Addresses and Descriptions of Subscribers.			Number of Shares taken by each Subscriber.
" 1. John Jones of	in the county of	merchant	3
" 2. John Smith of	in the county of	,,	2
" 3. Thomas Green of	in the county of	,,	1
" 4. John Thompson of	in the county of	,,	2
" 5. Caleb White of	in the county of	,,	2
" 6. Andrew Brown of	in the county of	,,	1
" 7. Abel Brown of	in the county of	,,	1
		Total shares taken	12 "

Dated the day of 19 .

Witness to the above signatures,

A.B., No. 20, Bond Street, London.

ARTICLES OF ASSOCIATION TO ACCOMPANY THE PRECEDING MEMORANDUM OF ASSOCIATION.

1. The share capital of the company is two thousand pounds divided into twenty shares of one hundred pounds each.

2. The company may by special resolution—

(*a*) increase the share capital by such sum to be divided into shares of such amount as the resolution may prescribe;

(*b*) consolidate its shares into shares of a larger amount than its existing shares;

(*c*) sub-divide its shares into shares of a smaller amount than its existing shares;

(*d*) cancel any shares which at the date of the passing of the resolution have not been taken or agreed to be taken by any person;

(*e*) reduce its share capital in any way.

1ST SCH. TABLE E. —*cont.*

3. The Articles of Table A set out in the First Schedule to the Companies Act, 1929 (other than Articles 30, 31, 32, 33, 34, 37, and 38) shall be deemed to be incorporated with these articles and shall apply to the company.

Names, Addresses and Descriptions of Subscribers.

1. John Jones of	in the county of	merchant.
2. John Smith of	in the county of	,,
3. Thomas Green of	in the county of	,,
4. John Thompson of	in the county of	,,
5. Caleb White of	in the county of	,,
6. Andrew Brown of	in the county of	,,
7. Abel Brown of	in the county of	,,

Dated the day of 19 .

Witness to the above signatures,

A.B., No. 20, Bond Street, London.

Sections 14 and 379.

SECOND SCHEDULE.

FORM OF LICENCE TO HOLD LANDS.

The Board of Trade hereby licence the to hold the lands hereunder described (*insert description of lands*) [*or* to hold lands not exceeding in the whole acres].

The conditions of this licence are (*insert conditions, if any*)

THIRD SCHEDULE.

Section 27.

FORM OF STATEMENT IN LIEU OF PROSPECTUS TO BE DELIVERED TO REGISTRAR BY A PRIVATE COMPANY ON BECOMING A PUBLIC COMPANY.

THE COMPANIES ACT, 1929.

Statement in lieu of Prospectus delivered for registration by

[*Insert the name of the Company.*]

Pursuant to section 27 of the Companies Act, 1929.

Delivered for registration by

The nominal share capital of the Company.	£
Divided into - - - - - -	Shares of £ each. " " " " " "
Amount (if any) of above capital which consists of redeemable preference shares.	Shares of £ each.
The date on or before which these shares are, or are liable, to be redeemed.	
Names, descriptions and addresses of directors or proposed directors.	
Amount of shares issued - - -	Shares
Amount of commissions paid in connection therewith.	
Amount of discount, if any, allowed on the issue of any shares, or so much thereof as has not been written off at the date of the statement.	
Unless more than one year has elapsed since the date on which the Company was entitled to commence business :—	
Amount of preliminary expenses.	£
Amount paid to any promoter -	Name of promoter. Amount £
Consideration for the payment -	Consideration :—

3RD SCH. —*cont.*

If the share capital of the Company is divided into different classes of shares, the right of voting at meetings of the Company conferred by, and the rights in respect of capital and dividends attached to, the several classes of shares respectively.	
Number and amount of shares and debentures issued within the two years preceding the date of this statement as fully or partly paid up otherwise than for cash or agreed to be so issued at the date of this statement.	1. shares of £ fully paid. 2. shares upon which £ per share credited as paid.
Consideration for the issue of those shares or debentures.	3. debenture £ . 4. Consideration :—
Names and addresses of Vendors of Property (1) purchased or acquired by the Company within the two years preceding the date of this statement or (2) agreed or proposed to be purchased or acquired by the Company.	
Amount (in cash, shares or debentures) paid or payable to each separate vendor.	
Amount paid or payable in cash, shares or debentures for any such property, specifying the amount paid or payable for goodwill.	Total purchase price £ Cash - - £ Shares - £ Debentures - £ Goodwill - £
Dates of, and parties to, every material contract (other than contracts entered into in the ordinary course of business or entered into more than two years before the delivery of this statement).	
Time and place at which the contracts or copies thereof may be inspected.	
Names and addresses of the auditors of the Company.	

3rd Sch. —*cont.*

Full particulars of the nature and extent of the interest of every director in any property purchased or acquired by the Company within the two years preceding the date of this statement or proposed to be purchased or acquired by the Company or, where the interest of such a director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or shares, or otherwise, by any person either to induce him to become or to qualify him as, a director, or otherwise for services rendered or to be rendered to the Company by him or by the firm.

Rates of the dividends (if any) paid by the Company in respect of each class of shares in the Company in each of the three financial years immediately preceding the date of this statement or since the incorporation of the Company whichever period is the shorter.

Particulars of the cases in which no dividends have been paid in respect of any class of shares in any of these years.

If any of the unissued shares or debentures are to be applied in the purchase of any business the amount, as certified by the persons by whom the accounts of the business have been audited, of the net profits of the business in respect of each of the three financial years immediately preceding the date of this statement, provided that in the case of a business which has been carried on for less than three years and

3RD SCH. —*cont.*

the accounts of which have only been made up in respect of two years or one year the above requirement shall have effect as if references to two years or one year, as the case may be, were substituted for references to three years, and in any such case the statement shall say how long the business to be acquired has been carried on.

(Signatures of the persons above-named as directors or proposed directors or of their agents authorised in writing.)

Date .

NOTE.—In this Form the expression "vendor" includes a vendor as defined in Part III of the Fourth Schedule to this Act, and the expression "financial year" has the meaning assigned to it in that Part of the said Schedule.

Sections 35 and 355.

FOURTH SCHEDULE.

PART I.

MATTERS REQUIRED TO BE STATED IN PROSPECTUS.

1. Except where the prospectus is published as a newspaper advertisement, the contents of the memorandum, with the names, descriptions, and addresses of the signatories, and the number of shares subscribed for by them respectively.

2. The number of founders or management or deferred shares, if any, and the nature and extent of the interest of the holders in the property and profits of the company.

3. The number of shares, if any, fixed by the articles as the qualification of a director, and any provision in the articles as to the remuneration of the directors.

4. The names, descriptions, and addresses of the directors or proposed directors.

5. Where shares are offered to the public for subscription particulars as to—

(i) the minimum amount which, in the opinion of the directors, must be raised by the issue of those shares in order to provide the sums, or, if any part thereof is

4th Sch. —*cont.*

to be defrayed in any other manner, the balance of the sums, required to be provided in respect of each of the following matters :—

(*a*) the purchase price of any property purchased or to be purchased which is to be defrayed in whole or in part out of the proceeds of the issue;

(*b*) any preliminary expenses payable by the company, and any commission so payable to any person in consideration of his agreeing to subscribe for, or of his procuring or agreeing to procure subscriptions for, any shares in the company;

(*c*) the repayment of any moneys borrowed by the company in respect of any of the foregoing matters;

(*d*) working capital; and

(ii) the amounts to be provided in respect of the matters aforesaid otherwise than out of the proceeds of the issue and the sources out of which those amounts are to be provided.

6. The amount payable on application and allotment on each share, and, in the case of a second or subsequent offer of shares, the amount offered for subscription on each previous allotment made within the two preceding years, the amount actually allotted, and the amount, if any, paid on the shares so allotted.

7. The number and amount of shares and debentures which within the two preceding years have been issued, or agreed to be issued, as fully or partly paid up otherwise than in cash, and in the latter case the extent to which they are so paid up, and in either case the consideration for which those shares or debentures have been issued or are proposed or intended to be issued.

8. The names and addresses of the vendors of any property purchased or acquired by the company, or proposed so to be purchased or acquired, which is to be paid for wholly or partly out of the proceeds of the issue offered for subscription by the prospectus, or the purchase or acquisition of which has not been completed at the date of issue of the prospectus, and the amount payable in cash, shares, or debentures, to the vendor, and where there is more than one separate vendor, or the company is a sub-purchaser, the amount so payable to each vendor.

9. The amount, if any, paid or payable as purchase money in cash, shares, or debentures, for any such property as aforesaid, specifying the amount, if any, payable for goodwill.

10. The amount, if any, paid within the two preceding years, or payable, as commission (but not including commission to sub-underwriters) for subscribing or agreeing to subscribe, or procuring or agreeing to procure subscriptions, for any shares in, or debentures of, the company, or the rate of any such commission.

11. The amount or estimated amount of preliminary expenses.

4TH SCH. —*cont.*

12. The amount paid within the two preceding years or intended to be paid to any promoter, and the consideration for any such payment.

13. The dates of and parties to every material contract, not being a contract entered into in the ordinary course of the business carried on or intended to be carried on by the company or a contract entered into more than two years before the date of issue of the prospectus, and a reasonable time and place at which any such material contract or a copy thereof may be inspected.

14. The names and addresses of the auditors, if any, of the company.

15. Full particulars of the nature and extent of the interest, if any, of every director in the promotion of, or in the property proposed to be acquired by, the company, or, where the interest of such a director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or shares or otherwise by any person either to induce him to become, or to qualify him as a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company.

16. If the prospectus invites the public to subscribe for shares in the company and the share capital of the company is divided into different classes of shares, the right of voting at meetings of the company conferred by, and the rights in respect of capital and dividends attached to, the several classes of shares respectively.

17. In the case of a company which has been carrying on business, or of a business which has been carried on for less than three years, the length of time during which the business of the company or the business to be acquired, as the case may be, has been carried on.

PART II.

REPORTS TO BE SET OUT IN PROSPECTUS.

1. A report by the auditors of the company with respect to the profits of the company in respect of each of the three financial years immediately preceding the issue of the prospectus, and with respect to the rates of the dividends, if any, paid by the company in respect of each class of shares in the company in respect of each of the said three years, giving particulars of each such class of shares on which such dividends have been paid and particulars of the cases in which no dividends have been paid in respect of any class of shares in respect of any of those years, and, if no accounts have been made up in respect of any part of the period of three years ending on a date three months before the issue of the prospectus, containing a statement of that fact.

2. If the proceeds, or any part of the proceeds, of the issue of the shares or debentures are or is to be applied directly or

indirectly in the purchase of any business, a report made by accountants who shall be named in the prospectus upon the profits of the business in respect of each of the three financial years immediately preceding the issue of the prospectus.

PART III.

PROVISIONS APPLYING TO PARTS I. AND II. OF SCHEDULE.

1. The provisions of this Schedule with respect to the memorandum and the qualification, remuneration and interest of directors, the names, descriptions and addresses of directors or proposed directors, and the amount or estimated amount of the preliminary expenses, shall not apply in the case of a prospectus issued more than two years after the date at which the company is entitled to commence business.

2. Every person shall for the purposes of this Schedule be deemed to be a vendor who has entered into any contract, absolute or conditional, for the sale or purchase, or for any option of purchase, of any property to be acquired by the company, in any case where—

(*a*) the purchase money is not fully paid at the date of the issue of the prospectus;

(*b*) the purchase money is to be paid or satisfied wholly or in part out of the proceeds of the issue offered for subscription by the prospectus;

(*c*) the contract depends for its validity or fulfilment on the result of that issue.

3. Where any property to be acquired by the company is to be taken on lease, this Schedule shall have effect as if the expression "vendor" included the lessor, and the expression "purchase money" included the consideration for the lease, and the expression "sub-purchaser" included a sub-lessee.

4. For the purposes of paragraph 8 of Part I of this Schedule where the vendors or any of them are a firm, the members of the firm shall not be treated as separate vendors.

5. If in the case of a company which has been carrying on business, or of a business which has been carried on for less than three years, the accounts of the company or business have only been made up in respect of two years or one year, Part II of this Schedule shall have effect as if references to two years or one year, as the case may be, were substituted for references to three years.

6. The expression "financial year" in Part II of this Schedule means the year in respect of which the accounts of the company or of the business, as the case may be, are made up, and where by reason of any alteration of the date on which the financial year of the company or business terminates the accounts of the company or business have been made up for a period greater or less than a year, that greater or less period shall for the purpose of the said Part of this Schedule be deemed to be a financial year.

Section 40.

FIFTH SCHEDULE.

FORM OF STATEMENT IN LIEU OF PROSPECTUS TO BE DELIVERED TO REGISTRAR BY A COMPANY WHICH DOES NOT ISSUE A PROSPECTUS OR WHICH DOES NOT GO TO ALLOTMENT ON A PROSPECTUS ISSUED.

THE COMPANIES ACT, 1929.

Statement in lieu of Prospectus delivered for registration by

[*Insert the name of the company.*]

Pursuant to section 40 of the Companies Act, 1929.

Delivered for registration by

The nominal share capital of the Company.	£
Divided into - - - - - -	Shares of £ each. " " " " " "
Amount (if any) of above capital which consists of redeemable preference shares.	Shares of £ each.
The date on or before which these shares are, or are liable, to be redeemed.	
Names, descriptions and addresses of directors or proposed directors.	
If the share capital of the Company is divided into different classes of shares, the right of voting at meetings of the Company conferred by, and the rights in respect of capital and dividends attached to, the several classes of shares respectively.	
Number and amount of shares and debentures agreed to be issued as fully or partly paid up otherwise than in cash.	1. shares of £ fully paid. 2. shares upon which £ per share credited as paid.
The consideration for the intended issue of those shares and debentures.	3. debenture £ . 4. Consideration:—
Names and addresses of vendors of property purchased or acquired, or proposed to be purchased or acquired by the Company.	

5TH SCH. —*cont.*

Amount (in cash, shares, or debentures) payable to each separate vendor.	
Amount (if any) paid or payable (in cash or shares or debentures) for any such property, specifying amount (if any) paid or payable for goodwill.	Total purchase price £ Cash - - £ Shares - £ Debentures - £ Goodwill - £
Amount (if any) paid or payable as commission for subscribing or agreeing to subscribe or procuring or agreeing to procure subscriptions for any shares or debentures in the Company; or	Amount paid. „ payable.
Rate of the commission - - -	Rate per cent.
The number of shares, if any, which persons have agreed for a commission to subscribe absolutely.	
Estimated amount of preliminary expenses.	£
Amount paid or intended to be paid to any promoter. Consideration for the payment -	Name of promoter. Amount £ . Consideration :—
Dates of, and parties to, every material contract (other than contracts entered into in the ordinary course of the business intended to be carried on by the Company or entered into more than two years before the delivery of this statement).	
Time and place at which the contracts or copies thereof may be inspected.	
Names and addresses of the auditors of the Company (if any).	
Full particulars of the nature and extent of the interest of every director in the promotion of or in the property proposed to be acquired by the Company, or,	

5TH SCH. —*cont.*

where the interest of such a director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or shares, or otherwise, by any person either to induce him to become, or to qualify him as, a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the Company.

If it is proposed to acquire any business, the amount, as certified by the persons by whom the accounts of the business have been audited, of the net profits of the business in respect of each of the three financial years immediately preceding the date of this statement provided that in the case of a business which has been carried on for less than three years and the accounts of which have only been made up in respect of two years or one year the above requirement shall have effect as if references to two years or one year, as the case may be, were substituted for references to three years, and in any such case the statement shall say how long the business to be acquired has been carried on.

(Signatures of the persons above-named as directors or proposed directors, or of their agents authorised in writing.)

Date .

NOTE.—In this Schedule the expression "vendor" includes a vendor as defined in Part III of the Fourth Schedule to this Act, and the expression "financial year" has the meaning assigned to it in that Part of the said Schedule.

SIXTH SCHEDULE.

Sections 108 and 379.

Form of Annual Return of a Company having a Share Capital.

Annual Return of the Company, Limited made up to the day of 19 (being the fourteenth day after the date of the first or only ordinary general meeting in 19).

The address of the registered office of the Company is as follows :—

Summary of Share Capital and Shares.

Nominal Share Capital £	divided into*	£	shares of each.
		£	shares of each.
Total number of shares taken up* to the day of 19 being the date of the return (which number must agree with the total shown in the list as held by existing members).			
Number of shares issued subject to payment wholly in cash.			
Number of shares issued as fully paid up otherwise than in cash.			
Number of shares issued as partly paid up to the extent of per share otherwise than in cash.			
†Number of shares (if any) issued at a discount.			
Total amount of discount on the issue of shares which has not been written off at the date of this Return.		£	

---

* Where there are shares of different kinds or amounts (*e.g.*, Preference and Ordinary or £1 and 1*s.*) state the number and nominal values separately.

† If the shares are of different kinds, state them separately.

6TH SCH. —*cont.*

*There has been called up on each of shares.	£
*There has been called up on each of shares.	£
*There has been called up on each of shares.	£
†Total amount of calls received, including payments on application and allotment.	£
Total amount (if any) agreed to be considered as paid on shares which have been issued as fully paid up otherwise than in cash.	£
Total amount (if any) agreed to be considered as paid on shares which have been issued as partly paid up to the extent of per share otherwise than in cash.	£
Total amount of calls unpaid - - -	£
Total amount of the sums (if any) paid by way of commission in respect of any shares or debentures or allowed by way of discount in respect of any debentures since the date of the last Return.	£
Total number of shares forfeited - - -	
Total amount paid (if any) on shares forfeited	£
Total amount of shares for which share warrants to bearer are outstanding.	£
Total amount of share warrants to bearer issued and surrendered respectively since the date of the last Return.	Issued £ Surrendered £
Number of shares comprised in each share warrant to bearer.	
Total amount of the indebtedness of the Company in respect of all mortgages and charges of the kind which are required (or, in the case of a Company registered in Scotland, which, if the Company had been registered in England, would be required) to be registered with the Registrar of Companies under the Companies Act, 1929.	£

* Where various amounts have been called, or there are shares of different kinds, state them separately.

† Include what has been received on forfeited as well as on existing shares.

6th Sch. —*cont.*

Copy of last audited Balance Sheet of the Company.

Note.—Except where the Company is (1) a "Private Company" within the meaning of Section 26 of the Companies Act, 1929, or is (2) an Assurance Company which has complied with the provisions of Section 7 (4) of the Assurance Companies Act, 1909, this Return must include a written copy, certified by a Director or by the Manager or Secretary of the Company to be a true copy, of the last balance sheet which has been audited by the Company's auditors (including every document required by law to be annexed thereto) together with a copy of the report of the auditors thereon (certified as aforesaid), and if any such balance sheet is in a foreign language there must also be annexed to it a translation thereof in English certified in the prescribed manner to be a correct translation. If the said last balance sheet did not comply with the requirements of the law as in force at the date of the audit with respect to the form of balance sheets there must be made such additions to and corrections in the said copy as would have been required to be made in the said balance sheet in order to make it comply with the said requirements, and the fact that the said copy has been so amended must be stated thereon.

Private Company.

Certificates to be given by a Private Company.

A. "I certify that the Company has not since the date "of the [1]last Annual Return issued any invitation to the public "to subscribe for any shares or debentures of the Company."

(Signature)

(State whether Director or Secretary.)

B. Should the number of members of the Company exceed fifty the following certificate is also required :—

"I certify that the excess of members of the Company "above fifty consists wholly of persons who are in the "employment of the Company and/or of persons who, "having been formerly in the employment of the Company "were while in such employment, and have continued "after the determination of such employment to be, "members of the Company."

(Signature)

(State whether Director or Secretary.)

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[1] In the case of the first Annual Return strike out the words "last Annual Return" and substitute therefore the words "Incorporation of the Company."

6TH SCH. —*cont.*

NOTE.—Banking companies must add a list of all their places of business.

The Return must be signed at the end by a Director or by the Manager or Secretary of the Company.

Delivered for filing by

Particulars of the *Directors of the Company, Limited, at the date of the Annual Return.

†The present Christian Name or Names and Surname.	Any former Christian Name or Names or Surname.	Nationality.	Nationality of origin (if other than the present nationality).	Usual residential address.	‡Other business occupation if any. If none state so.

* "Director" includes any person who occupies the position of a Director by whatever name called and any person in accordance with whose directions or instructions the Directors of a Company are accustomed to act.

† In the case of a Corporation its corporate name and registered or principal office should be shown.

‡ In the case of an individual who has no business occupation but holds any other directorship or directorships particulars of that directorship or of some one of those directorships must be entered.

List of Persons holding Shares in the Company, Limited, on the day of 19 , and of Persons who have held Shares therein at any time since the date of the last Return, or (in the case of the first Return) of the incorporation of the Company, showing their Names and Addresses, and an Account of the Shares so held.

N.B.—If the names in this list are not arranged in alphabetical order, an index sufficient to enable the name of any person in the list to be readily found must be annexed to this list.

Folio in Register Ledger, containing Particulars.	Names, Addresses, and Occupations.				Account of Shares.					Remarks.
	Surname.	Christian Name.	Address.	Occupation.	*Number of Shares held by existing Members at date of Return.†	‡Particulars of Shares Transferred since the date of the last Return, or (in the case of the first Return) of the incorporation of the Company, by persons who are still Members.		‡Particulars of Shares Transferred since the date of the last Return, or (in the case of the first Return) of the incorporation of the Company by persons who have ceased to be Members.		
						Number.†	Date of Registration of Transfer.	Number.†	Date of Registration of Transfer.	

(Signature)
(State whether Director or Manager or Secretary)

* The aggregate Number of Shares held, and not the Distinctive Numbers, must be stated, and the column must be added up throughout so as to make one total to agree with that stated in the Summary to have been taken up.

† When the Shares are of different classes these columns may be subdivided so that the number of each class held, or transferred, may be shown separately. Where any Shares have been converted into Stock the amount of Stock held by each member must be shown.

‡ The date of Registration of each Transfer should be given as well as the Number of Shares transferred on each date. The Particulars should be placed opposite the name of the Transferor, and not opposite that of the Transferee, but the name of the Transferee may be inserted in the "Remarks" column immediately opposite the particulars of each Transfer.

6TH SCH. —*cont.*

Section 131.

SEVENTH SCHEDULE.

FORM OF STATEMENT to be published by BANKING and INSURANCE COMPANIES and DEPOSIT, PROVIDENT, or BENEFIT SOCIETIES.

* The share capital of the company is , divided into shares of each.

The number of shares issued is .

Calls to the amount of pounds per share have been made, under which the sum of pounds has been received.

The liabilities of the company on the first day of January (*or* July) were—

Debts owing to sundry persons by the company.

On judgment, £
On specialty, £
On notes or bills, £
On simple contracts, £
On estimated liabilities, £

The assets of the company on that day were—

Government securities [*stating them*]
Bills of exchange and promissory notes, £
Cash at the bankers, £
Other securities, £

* If the company has no share capital the portion of the statement relating to capital and shares must be omitted.

Section 224.

EIGHTH SCHEDULE.

PART I.

ORDERS PRONOUNCED IN VACATION IN SCOTLAND WHICH ARE TO BE FINAL.

Orders :—

S. 210. As to time for proving claims.

S. 214. As to the attendance of, and production of documents by, persons indebted to, or having property of, or information as to the affairs or property of, a company.

As to meetings for ascertaining wishes of creditors or contributories.	8TH SCH. —*cont.* S. 288.
As to summoning meetings of creditors or contributories where a compromise is proposed.	S. 153.
As to the examination of witnesses in regard to the property or affairs of a company.	S. 291.

PART II.

ORDERS PRONOUNCED IN VACATION IN SCOTLAND WHICH ARE TO TAKE EFFECT UNTIL RECLAIMING NOTE DISPOSED OF.

Orders :—

Restraining or permitting commencement or continuance of legal proceedings.	Ss. 172, 177, 202, 336, 340, 341.
Appointing an official liquidator to fill a vacancy, or appointing (except to fill a vacancy caused by the removal of a liquidator by the court) a liquidator for a winding up voluntarily or under supervision.	Ss. 188, 249, 259.
Sanctioning the exercise of any power by an official liquidator other than the powers specified in paragraphs (*d*), (*e*) and (*f*) of subsection (1) and the power to appoint a law agent.	S. 191.
Requiring the delivery of property or documents to the official liquidator.	S. 204.
As to the arrest and detention of an absconding contributory and his property.	S. 218.
Limiting the powers of provisional official liquidators.	S. 184 (4).
For continuance of winding up under supervision.	S. 256.

s. 260.

NINTH SCHEDULE.

PROVISIONS WHICH DO NOT APPLY IN THE CASE OF A WINDING UP SUBJECT TO SUPERVISION OF THE COURT.

s. 181.	Statement of Companies affairs to be submitted to Official Receiver.
s. 182.	Report by Official Receiver.
s. 183.	Power of Court to appoint Liquidator.
s. 184.	Appointment and powers of provisional Liquidator.
s. 185.	Appointment, style, &c., of Liquidators in English winding up.
s. 186.	Provisions where person other than Official Receiver is appointed Liquidator.
s. 187.	Provisions as to Liquidators in Scottish winding up.
s. 188 except subs. (5).	General provisions as to Liquidators.
s. 192.	Exercise and control of Liquidators' powers in England.
s. 193.	Books to be kept by Liquidator in English winding up.
s. 194.	Payments of Liquidator in English winding up into bank.
s. 195.	Audit of Liquidators' accounts in English winding up.
s. 196.	Control of Board of Trade over Liquidators in England.
s. 197.	Release of Liquidators in England.
s. 198.	Meeting of creditors and contributories to determine whether committee of inspection shall be appointed.
s. 199.	Constitution and proceedings of committee of inspection.
s. 200.	Powers of Board of Trade where no committee of inspection in England.
s. 201.	Additional powers of committee of inspection in Scotland.
s. 209.	Appointment in England of special manager.
s. 216.	Power in England to order public examination of promoters, directors, &c.
s. 217.	Power in England to restrain fraudulent persons from managing companies.
s. 220.	Delegation to Liquidator of certain powers of court in England.
s. 307.	Power in England to appoint Official Receiver as receiver for debenture holders or creditors.

TENTH SCHEDULE.

Sections 318, 329, 379.

Table of Fees to be paid to the Registrar of Companies.

I.—By a Company having a Share Capital.

	£	s.	d.
For registration of a company whose nominal share capital does not exceed 2,000*l.* - - - - -	2	0	0
For registration of a company whose nominal share capital exceeds 2,000*l.*, the following fees, regulated according to the amount of nominal share capital (that is to say);	£	s.	d.
For every 1,000*l.* of nominal share capital, or part of 1,000*l.*, up to 5,000*l.*	1	0	0
For every 1,000*l.* of nominal share capital, or part of 1,000*l.*, after the first 5,000*l.*, up to 100,000*l.* - -	0	5	0
For every 1,000*l.* of nominal share capital, or part of 1,000*l.*, after the first 100,000*l.* - - - - -	0	1	0
For registration of any increase of share capital made after the first registration of the company, the same fees per 1,000*l.*, or part of a 1,000*l.*, as would have been payable if the increased share capital had formed part of the original share capital at the time of registration:			
Provided that no company shall be liable to pay in respect of nominal share capital, on registration or afterwards, any greater amount of fees than 50*l.*, taking into account in the case of fees payable on an increase of share capital after registration the fees paid on registration - - - - - - -			
For registration of any existing company, except such companies as are by this Act exempted from payment of fees in respect of registration under this Act, the same fee as is charged for registering a new company - - - - - - - -			
For registering any document by this Act required or authorised to be registered or required to be delivered sent or forwarded to the registrar other than the memorandum or the abstract required to be delivered to the registrar by a receiver or manager or the statement required to be sent to the registrar by the liquidator in a winding-up in England - -	0	5	0
For making a record of any fact by this Act required or authorised to be recorded by the registrar - -	0	5	0

10TH SCH. —*cont.*

II.—BY A COMPANY NOT HAVING A SHARE CAPITAL.

	£	s.	d.
For registration of a company whose number of members as stated in the articles does not exceed 25	2	0	0
For registration of a company whose number of members as stated in the articles exceeds 25, but does not exceed 100, the above fee of 2*l.* with an additional 1*l.* for every additional 25 members or less after the first 25 - - - - - - -			
For registration of a company whose number of members as stated in the articles exceeds 100 but is not stated to be unlimited, a fee of 5*l.* with an additional 5*s.* for every additional 50 members or less after the first 100 - - - - - - -			
For registration of a company in which the number of members is stated in the articles to be unlimited -	20	0	0
For registration of any increase on the number of members made after the registration of the company in respect of every 50 members, or less than 50 members, of that increase - - - -	0	5	0
Provided that no company shall be liable to pay on the whole a greater fee than 20*l.* in respect of its number of members, taking into account the fee paid on the first registration of the company.			
For registration of any existing company, except such companies as are by this Act exempted from payment of fees in respect of registration under this Act, the same fee as is charged for registering a new company.			
For registering any document by this Act required or authorised to be registered or required to be delivered, sent or forwarded to the registrar, other than the memorandum or the abstract required to be delivered to the registrar by a receiver or manager or the statement required to be sent to the registrar by the liquidator in a winding up in England -	0	5	0
For making a record of any fact by this Act required or authorised to be recorded by the registrar - -	0	5	0

III.—BY A COMPANY TO WHICH PART XI OF THIS ACT APPLIES.

For registering any document required to be delivered to the registrar under Part XI of this Act, except documents required to be delivered under section three hundred and fifty-three of this Act - -	0	5	0

ELEVENTH SCHEDULE.

s. 362.

PROVISIONS REFERRED TO IN SECTION 362 OF THE ACT.

Provisions relating to—

Conclusiveness of certificate of incorporation;	s. 15.
Specific requirements as to particulars in prospectus;	s. 35.
Prohibition of allotment in certain cases unless statement in lieu of prospectus delivered to registrar;	s. 40.
Return as to allotments;	s. 42.
Registration of charges created by company registered in England;	s. 79.
Duty of company to register charges created by company;	s. 80 (1).
Duty of company to register charges existing on property acquired;	s. 81.
Application of Part III to companies incorporated outside England;	s. 90.
Restrictions on commencement of business;	s. 94.
The particulars as to directors and indebtedness of the company;	s. 108 (3) (*n*) (*o*).
Statutory meeting and statutory report;	s. 113.
Auditors' report and right to information and explanations;	s. 134 (1) (2).
Restrictions on appointment or advertisement of director;	s. 140.
Notice by liquidator of his appointment;	s. 250.
Delivery to registrar of accounts of receivers and managers;	s. 310.
Documents, &c., to be delivered to registrar by companies carrying on business in Great Britain;	s. 344.
Return to be delivered to registrar where documents, &c. altered;	s. 346.
Balance sheet of company carrying on business in Great Britain;	s. 347.
Obligation to state name of company, &c.	s. 348.
Annual report by Board of Trade.	s. 376.

Section 381.

TWELFTH SCHEDULE.

PART I.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
45 & 46 Vict. c. 72.	The Revenue, Friendly Societies and National Debt Act, 1882.	Section eleven, and in the First Schedule the words "7 Geo. IV. c. 46, 7 Geo. " IV. c. 67, 7 & 8 Vict. " c. 32, s. 21, 8 & 9 Vict. " c. 38, s. 13."
8 Edw. 7. c. 69.	The Companies (Consolidation) Act, 1908.	The whole Act.
3 & 4 Geo. 5. c. 16.	The Foreign Jurisdiction Act, 1913.	In the Schedule, the words from " 8 Edw. 7 " to the end.
3 & 4 Geo. 5. c. 25.	The Companies Act, 1913	The whole Act.
7 & 8 Geo. 5. c. 28.	The Companies (Particulars as to Directors) Act, 1917.	The whole Act.
10 & 11 Geo. 5. c. 30.	The Unemployment Insurance Act, 1920.	Subsections (1), (2) and (3) of section twenty-six.
14 & 15 Geo. 5. c. 38.	The National Health Insurance Act, 1924.	Section one hundred and six.
15 & 16 Geo. 5. c. 84.	The Workmen's Compensation Act, 1925.	In subsection (3) of section seven, paragraphs (ii) and (iii), the words "the " following date, that is " to say :— " (*a*) in the first case," and paragraphs (*b*) and (*c*); subsection (4); in subsection (5) the words " or the company "; subsection (6).

12th Sch. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
17 & 18 Geo. 5. c. 30.	The Unemployment Insurance Act, 1927.	The Fourth Schedule, so far as it amends subsection (1) of section twenty-six of the Unemployment Insurance Act, 1920.
18 & 19 Geo. 5. c. 14.	The National Health Insurance Act, 1928.	Paragraph (*a*) of section nineteen.
18 & 19 Geo. 5. c. 45.	The Companies Act, 1928	The whole Act.

Part II.

Section 382.

Enactments saved.

An Act to Regulate Joint Stock Banks in England (7 & 8 Vict. c. 113, s. 47).

Existing companies to have the powers of suing and being sued.

Every company of more than six persons established on the sixth day of May, one thousand eight hundred and forty-four, for the purpose of carrying on the trade or business of bankers within the distance of sixty-five miles from London, and not within the provisions of the Act passed in the session of the seventh and eighth years of Queen Victoria, chapter one hundred and thirteen, intituled "An Act to regulate Joint Stock Banks in England," shall have the same powers and privileges of suing and being sued in the name of any one of the public officers of such co-partnership as the nominal plaintiff, petitioner, or defendant on behalf of such co-partnership; and all judgments, decrees, and orders made and obtained in any such suit may be enforced in like manner as is provided with respect to such companies carrying on the said trade or business at any place in England exceeding the distance of sixty-five miles from London under the provisions of the Country Bankers Act, 1826, provided that such first-mentioned company shall make out and deliver from time to time to the Commissioners of Inland Revenue the several accounts or returns required by the last-mentioned Act, and all the provisions of the last-recited Act as to such accounts or returns shall be taken to apply to the accounts or returns so made out and delivered by such first-mentioned companies as if they had been originally included in the provisions of the last-recited Act.

12TH SCH. —*cont.*

THE JOINT STOCK BANKING COMPANIES ACT, 1857, PART OF S. 12.

Power to form banking partnerships of ten persons.

Notwithstanding anything contained in any Act passed in the session holden in the seventh and eighth years of Queen Victoria, chapter one hundred and thirteen, and intituled "An Act to regulate Joint Stock Banks in England," or in any other Act, it shall be lawful for any number of persons, not exceeding ten, to carry on in partnership the business of banking, in the same manner and upon the same conditions in all respects as any company of not more than six persons could before the passing of the Joint Stock Banking Companies Act, 1857, have carried on such business.

CHAPTER 24.

An Act to amend the law with respect to gas undertakings, and for purposes connected therewith. [10th May 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power of Board of Trade to make orders increasing authorised amount of share capital or of loans.

1.—(1) Notwithstanding anything in any enactment (including this Act) imposing a limit on the amount of share capital which may be raised or of money which may be borrowed by undertakers, not being a local authority, for the purposes of their undertaking, the Board of Trade may, on the application of any such undertakers and subject to the provisions of this section, by order authorise the undertakers on such conditions as may be specified in the order for the purposes of their undertaking—

(*a*) to raise, at any time during the period of three years after the date on which the order comes into operation, any such amount of share capital as may be specified in the order; and

(*b*) to borrow on mortgage of their undertaking or by the creation and issue of debenture stock any amount not exceeding the aggregate amount of the paid up share capital of the undertaking for the time being and of any premiums paid in respect thereof.

(2) An order shall not be made under this section except with the consent of the local authority:

Provided that if, in the opinion of the Board of Trade, the consent of the local authority is unreasonably withheld, the Board may, in the case of applicants who have within the period of fifteen years preceding the date of the application obtained in relation to their undertaking either a special Act or a provisional order confirmed by an Act, make the order notwithstanding that such consent has not been given.

(3) An order under this section may contain such modifications of any enactment applying to the undertakers in respect of whom the order is made as, in the opinion of the Board, are necessary in order to give full effect to the order.

Authorised amount of loans.

2. Notwithstanding anything in any enactment, undertakers, not being a local authority, may borrow for the purposes of their undertaking on mortgage of their undertaking or by the creation and issue of debenture stock, any amount not exceeding one half of the aggregate amount of the paid up share capital for the time being of the undertaking and of any premiums paid in respect thereof.

Increase of authorised amount of reserved fund or of special purposes fund. 10 & 11 Vict. c. 15.

3.—(1) Section thirty-one of the Gasworks Clauses Act, 1847, (which provides for the formation of a reserved fund of a limited amount) and section thirty-three of that Act (which provides for the case where that fund amounts to the prescribed sum) shall, in the case of undertakers not being a local authority, have effect as if for the references therein to a sum equal to one-tenth of the nominal capital of the undertakers there were substituted references to a sum equal to one-tenth of the aggregate amount of the paid up share capital of the undertakers, of any premiums paid in respect thereof and of any outstanding loans raised by the undertakers on mortgage or by the creation and issue of debenture stock.

(2) Where any enactment applying to any such undertakers as aforesaid authorises the formation of a special purposes fund and limits the amount of that fund by reference to the paid up capital of the undertaking, the said enactment shall have effect as if for the reference to the paid up capital of the undertaking there were substituted a reference to the aggregate amount of the paid up share capital of the undertaking, of any premiums paid in respect thereof and of any outstanding loans

raised by the undertakers on mortgage or by the creation and issue of debenture stock.

(3) Where at any time, by reason of any reduction in the amount of outstanding loans, the amount of a reserved fund formed by undertakers in pursuance of the said section thirty-one is in excess of the amount authorised by that section as amended by this section, the amount of the excess shall forthwith be carried by the undertakers to the credit of their net revenue account.

(4) Any special purposes fund formed by undertakers in pursuance of any enactment may be maintained at any amount to which it has lawfully been raised in pursuance of that enactment as amended by this section, notwithstanding any subsequent reduction in the amount of outstanding loans.

Extension of powers of purchase of residual products.

4.—(1) Any undertakers may, notwithstanding anything to the contrary contained in any Act or Order relating to them, purchase in such quantities as they think fit from any company, body or person carrying on a gas undertaking (whether with or without statutory authority) or operating coke ovens or carrying on any process of carbonisation or gasification of coal or coke any residuals arising from the manufacture of gas, or the carrying on of any such operation or process and products arising from a primary treatment of those residuals by such company, body or person, and may exercise in relation to residuals or products so purchased the powers which would have been exerciseable by them if such residuals or products had arisen in carrying on their gas undertaking in accordance with their statutory powers.

(2) The powers conferred by this section shall be in addition to and not in derogation of any powers conferred or to be conferred upon the undertakers by any special Act.

Supply of gas by undertakers to premises outside limits of supply.

5.—(1) The Board of Trade, if they are satisfied that the owner or occupier of any premises, not being within a distance of twenty-five yards from any main of the undertakers within whose limits of supply the premises are situate, desires to obtain a supply of gas from other undertakers, may, subject to the provisions of this section, by order authorise the last mentioned undertakers to supply gas to those premises on such conditions as may be specified in the order.

(2) An order under this section may contain such modifications of any enactment applying to the undertakers in respect of whom the order is made as, in the opinion of the Board, are necessary in order to give full effect to the order.

(3) An order shall not (unless, in the opinion of the Board, consent is unreasonably withheld) be made except with the consent of the undertakers within whose limits of supply the premises are situate and of the local authority within whose area the premises are situate.

(4) Notwithstanding anything in this section, every order thereunder in respect of any undertakers shall be framed so as to secure that the provisions of the Gasworks Clauses Act, 1847, with respect to the breaking up of streets for the purpose of laying pipes shall apply in relation to pipes for the supply of gas by the undertakers under the order as they apply in relation to pipes for the supply of gas by the undertakers under the enactments applying to them before the making of the order.

Undertakers supplying more than a certain quantity of gas to charge on basis of British thermal units.

6.—(1) Where any undertakers who are not authorised by any enactment or by any order under section one of the principal Act to charge for gas according to the number of British thermal units supplied, have, in any year subsequent to the year nineteen hundred and twenty-seven, supplied more than twenty million cubic feet of gas, they shall, in respect of gas supplied by them on or after the appointed day, charge therefor according to the number of British thermal units supplied, and the maximum or standard price, in respect of gas supplied by any such undertakers on or after the appointed day, shall be a price per therm of such an amount as is produced by dividing by five the maximum or standard price per thousand cubic feet authorised immediately before the appointed day by any enactment applying to the undertakers.

(2) For the purpose of giving effect to this section, the Board of Trade shall, in respect of each of the undertakers to whom this section applies, make an order which may contain such provisions as are authorised or required by subsection (4) of section one of the principal Act to be contained in an order under that section.

(3) Sections two, five, six, seven and nine of the principal Act shall apply to all undertakers to whom

this section applies as if those undertakers were undertakers with respect to whom an order under that Act had been made and as if the provisions contained in this section or in any order made thereunder were contained in that Act.

(4) So much of any special Act or provisional order applying to any such undertakers as makes provision with respect to the quality, pressure, or purity of gas supplied by them shall, as from the appointed day, cease to have effect.

(5) For the purposes of this section, the appointed day shall—

(*a*) as respects any undertakers who, in the year nineteen hundred and twenty-eight, have supplied more than twenty million cubic feet of gas, be such day not later than the first day of April, nineteen hundred and thirty, as the Board of Trade may prescribe by the order made under this section in respect of those undertakers; and

(*b*) as respects any other undertakers to whom this section applies, be the first day of January in the second year after the year in which they first supplied more than twenty million cubic feet of gas.

Extension of Board of Trade's power to make special orders under principal Act.

7. The power of the Board of Trade to make special orders under section ten of the principal Act shall include power to make a special order—

(*a*) authorising the applicants therefor to construct gasworks or manufacture or supply gas in any area within the limits of supply of any existing undertakers who have failed to lay down or provide mains for the supply of gas in the area, and prohibiting the existing undertakers from exercising in the area any of the powers conferred on them in respect of their undertaking;

(*b*) providing, where the applicants for the order are a company authorised by any enactment to supply water or electricity as well as gas, that any loan lawfully raised by the company for the purposes of so much of their undertaking as relates to gas may be secured by a charge upon the whole of their undertaking;

(*c*) making provision for modifying any enactment regulating the gas undertaking to which the order relates by inserting therein provisions corresponding to provisions contained in any special Acts or provisional orders regulating other gas undertakings:

Provided that no order shall be made under paragraph (*a*) of this section in relation to any area within the limits of supply of existing undertakers unless five years have elapsed since the date on which those undertakers first obtained their powers to lay down or provide mains for the supply of gas in that area.

Minor amendments of principal Act.

8. The amendments specified in the second column of the Schedule to this Act, being minor amendments of the principal Act, shall be made in the provisions of that Act specified in the first column of that Schedule.

Interpretation.

9. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Debenture stock" in relation to any undertakers means debenture stock created and issued subject to, and in accordance with, the provisions of Part III. of the Companies Clauses Act, 1863, as applying to those undertakers: 26 & 27 Vict. c. 118.

"Enactment" includes any public general Act, any special Act, and any provisional order confirmed by an Act:

"Principal Act" means the Gas Regulation Act, 1920: 10 & 11 Geo. 5. c. 28.

"Share capital" includes stock not being debenture stock:

"Undertaking" means gas undertaking.

Short title, citation, construction and extent.

10.—(1) This Act may be cited as the Gas Undertakings Act, 1929, and the principal Act and this Act may be cited together as the Gas Undertakings Acts, 1920 and 1929.

(2) Except where the context otherwise requires, references in this Act to the principal Act shall be construed as references to that Act as amended by this Act, and this Act shall be construed as one with that Act.

(3) This Act shall not extend to Northern Ireland.

Section 8.

SCHEDULE.

MINOR AMENDMENTS OF GAS REGULATION ACT, 1920.

Provisions to be amended.	Amendments.
Section 1 - -	At the end of subsection (3) there shall be added the following provision:—
	If at any time it appears to the Board of Trade, in relation to any undertakers, that there has since the thirtieth day of June, nineteen hundred and fourteen, been any increase or decrease in—
	(*a*) the rate of interest which the undertakers are obliged to pay on capital raised or money borrowed for the purposes of their gas undertaking; or
	(*b*) the cost to the undertakers of providing works, plant or apparatus for the supply of gas; or
	(*c*) the annual output of their gas undertaking; or
	(*d*) the efficiency with which that undertaking has been carried on;
	the Board may make an amending order under this section revising the powers of charging authorised by the original order with respect to the undertakers, in such manner as to secure that they are not prejudiced by any such increase or benefited by any such decrease.
	In subsection (7) after the words "mercury and" there shall be inserted the words "(except as otherwise prescribed by the "gas referees)."
Section 4 - -	In proviso (*b*) to subsection (3) after the words "within the county" there shall be inserted the words "who are not themselves the undertakers," and for the words "that local authority" there shall be substituted the words "the local authority."

Provisions to be amended.	Amendments.
Section 6 -	In subsection (2) for the words "seven days" there shall be substituted the words "twenty-one days."
Section 9 -	In subsection (1) the words "on any day" and the words "on the same day" shall be omitted.
Section 18	For the definition of the expression "quarter sessions" there shall be substituted the following definition:— The expression "quarter sessions" means the quarter sessions for the area of any local authority which has failed to appoint a gas examiner or for any area in which the testing of gas is imperfectly attended to.

CHAPTER 25.

An Act to transfer to county councils and to the town councils of certain burghs in Scotland functions of existing local authorities relating to poor relief, lunacy and mental deficiency, education, public health, and other matters; to amend the law relating to local government in Scotland; to extend the application of the Rating and Valuation (Apportionment) Act, 1928, to lands and heritages in which no persons are employed, to net and cruive salmon fishings and to minerals let but unworked; to grant relief from rates in the case of the lands and heritages in Scotland to which that Act applies; to discontinue grants from the Exchequer for certain purposes in Scotland and to provide other grants in lieu thereof; and for purposes consequential on the matters aforesaid. [10th May 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

PART I.

LOCAL GOVERNMENT ADMINISTRATION.

Transfer of Functions.

Transfer of functions of parish councils and district boards of control.

1.—(1) Subject to the provisions of this Act, all the functions of each parish council (except the functions by this section transferred to a district council) and all the functions of each district board of control shall be transferred to and vest in—

(*a*) the county council of the county as re-constituted in accordance with the provisions hereinafter contained, so far as the functions relate to the county (including the small burghs therein) or a portion thereof; and

(*b*) the town council of the large burgh so far as the functions relate to the large burgh or a portion thereof:

Provided that any functions of a parish council exercisable in respect of a small burgh under the Burial Grounds Acts and the Cremation Act, 1902, and any functions of a parish council with respect to a churchyard so far as within a small burgh vested in the council in pursuance of subsection (6) of section thirty of the Act of 1894 or section thirty-two of the Church of Scotland (Property and Endowments) Act, 1925, shall be transferred to and vest in the town council of the said burgh.

2 Edw. 7. c. 8.

15 & 16 Geo. 5. c. 33.

(2) Subject to the provisions of this Act, all the functions of the parish council of each landward parish and of each parish containing a landward part, so far as relating to the landward part—

(*a*) under Part IV of the Act of 1894;

(*b*) under Part V (other than subsection (6) of section thirty) of the said Act (except in the case of parish trusts so far as relating to the poor or to churchyards or to burial grounds);

(*c*) under the Allotments Acts;

3 Edw. 7. c. 25.

(*d*) under section seventy-nine of the Licensing (Scotland) Act, 1903; and

8 Edw. 7. c. 48.

(*e*) under section forty-nine of the Post Office Act, 1908;

shall be transferred to and vest in the district council (constituted as hereinafter provided) for the district so

far as the functions relate to the district, and any statutory provision empowering a parish council to which this subsection applies to make a representation shall be construed as empowering the district council of the district to which the representation relates to make the representation.

Transfer of functions to county councils.

2.—(1) Subject to the provisions of this Act, there shall be transferred to and vest in the county council of the county—

(*a*) all the functions of the district committees of the districts within the county;

(*b*) the functions of town councils of small burghs within the county as local authorities for the purposes of the statutory provisions set out in Part I of the First Schedule to this Act;

(*c*) the functions of the town councils of small burghs within the county as highway authorities so far as relating to classified roads;

(*d*) all the functions of the commissioners of supply of the county;

(*e*) the functions of the town council of any burgh under the Burial Grounds Acts and the Cremation Act, 1902, exercisable in respect of any area outwith the burgh and within the county or with respect to any churchyard so far as situate outwith the burgh and within the county vested in the council in pursuance of section thirty-two of the Church of Scotland (Property and Endowments) Act, 1925;

(*f*) the functions of the town council of any large burgh under the Registration of Births, Deaths, and Marriages Acts so far as relating to any area outwith the burgh and within the county.

(2) It shall be lawful for the Secretary of State by order to transfer to the county council of a county the functions of the town councils of the small burghs within the county as local authorities for the purposes of any statutory provisions (other than those set out in Part I of the First Schedule to this Act) relating to the matters specified in Part II of the said Schedule.

(3) Where after the commencement of this Act any road vested in the town council of a small burgh becomes a classified road, the road shall thereupon become vested in the county council of the county in which the burgh is situate and the whole functions of the town council

as highway authority so far as relating to the said road shall be transferred to and vest in the county council, and the Secretary of State shall by order make any provision which may seem to him necessary for the equitable adjustment of any liabilities of the town council relating to the road.

8 & 9 Geo. 5. c. 40.

(4) The county council may without prejudice to any provision of the Income Tax Act, 1918, exercise the power of appointing general commissioners transferred as aforesaid from the commissioners of supply, at any general meeting of the council the notice of which meeting has specified the appointment as an item of business.

Transfer of functions of education authorities and of functions relating to police, and registration of electors.

3.—(1) The town council of a burgh being a county of a city shall be the education authority for the purposes of the Education (Scotland) Acts, 1872 to 1928, for that burgh, and the county council of a county shall be the education authority for the purposes of the said Acts for that county, including any burgh other than a county of a city situate therein, and the whole functions of education authorities shall be transferred to and vest in such town and county councils, and any reference in any Act to an education area shall be construed accordingly.

(2) Section five of the Act of 1926 (which contains provisions as to the education rate) shall cease to have effect and every such council as aforesaid shall annually ascertain the amount of the deficiency in the education fund of their area and such deficiency, so far as required to be defrayed out of rates, shall be defrayed out of a rate to be levied for the purpose in accordance with the provisions of this Act.

55 & 56 Vict. c. 55.

(3) Section seventy-eight of the Burgh Police (Scotland) Act, 1892 (which relates to the appointment of a chief constable and of constables), shall not apply except to—

(*a*) a large burgh which at the date of the passing of this Act maintains a separate police force; or

(*b*) a burgh with respect to which it shall at any time be proved in accordance with the said section that it has a population of not less than fifty thousand;

and every burgh other than as aforesaid shall be supplied with constables by the county in which it is situate under the provisions of the Act of 1889, and shall cease to

maintain or to be entitled to maintain a separate police force: Provided that this subsection shall not apply as regards any county or any burgh situate therein so long as the Police (Scotland) Act, 1857, does not apply to that county. 20 & 21 Vict. c. 72.

(4) Where in pursuance of the foregoing subsection a burgh ceases to maintain a separate police force, the provisions of this Act with regard to transfer of property and liabilities and with regard to transfer of, and compensation to, officers shall apply in like manner as they apply on any transfer of functions from one authority to another.

(5) Any agreement for the consolidation under the Police (Scotland) Act, 1857, of the police force of any burgh which under this section ceases to be entitled to maintain a separate police force, and the police force of the county, shall cease to have effect.

(6) The division of any county into police districts under section fifty-eight of the said Act of 1857 shall cease to exist, and that section and sections fifty-nine and sixty of the said Act shall cease to have effect.

(7) Paragraph (8) of section forty-three of the Representation of the People Act, 1918 (which relates to registration officers and areas) shall have effect as if references to large burghs were substituted for references to the burghs therein mentioned, and where in pursuance of this provision any burgh ceases to be a registration area the functions of the council of that burgh as regards registration shall for the purposes of this Act be deemed to be transferred by this Act to the county council, and where in pursuance of this provision any large burgh becomes a registration area the functions of the county council as regards registration in so far as relating to that burgh shall for the purposes of this Act be deemed to be transferred by this Act to the town council of the burgh. 7 & 8 Geo. 5. c. 64.

Transfer of functions from county councils to town councils of large burghs.

4. Subject to the provisions of this Act, the functions of a county council as local authority for the purposes of the Valuation Acts so far as relating to any large burgh shall be transferred to and vest in the town council of that burgh.

Provisions relating to or consequential on

5.—(1) The transitory provisions contained in the First Schedule to the Scottish Board of Health Act, 1919, shall apply with the necessary modifications in connection with the transfer of functions from one local

transfers of functions. 9 & 10 Geo. 5. c. 20.

authority to another by or under this Act and references in any Act of Parliament, deed, regulation or other document to members or to officers of a local authority from whom functions are transferred by or under this Act shall, so far only as necessary for the purpose of such transfer, be construed as references to members or to officers of the local authority to which the functions are so transferred.

(2) Any reference to the chairman or other member of a parish council in the constitution of any trust or other body whether corporate or not (except where the trust relates to a function transferred by this Act to a district council) shall be construed as a reference to a member appointed by the county council or the town council of the large burgh to which functions of the parish council are transferred by this Act, and where functions of a parish council are transferred to two or more such councils then any such reference to the chairman or other member of the parish council shall be construed as a reference to a member appointed by such of the councils concerned as the councils may agree, or failing agreement, as the Department of Health may determine. In the case of any trust relating to a function transferred to a district council the foregoing provisions shall apply with the substitution of district councils for county councils and other necessary modifications.

(3) Where in the constitution of any trust or other body whether corporate or not, provision is made for the appointment as trustees or members of the governing body of one or more members of a district board of control whose functions are by this Act transferred to two or more transferee authorities, the General Board of Control for Scotland may, after consultation with the trustees or governing body, by order provide for the transferee authorities concerned jointly or a joint committee thereof or for the transferee authorities severally nominating trustees or members of the governing body in place of the members of the district board of control, and the constitution of the trust or other body shall have effect subject to the provisions of any such order.

(4) The statutory provisions regulating the election, appointment and constitution of district boards of control, district committees, education authorities and parish councils or relating to the qualification or constitution of commissioners of supply shall cease to have

effect except in so far as the provisions regulating the election of parish councils are by this Act applied to district councils, and the members of the said boards, committees, authorities and parish councils shall cease to hold office.

(5) The standing joint committee of the county council and the commissioners of supply shall be dissolved, and section eighteen of the Act of 1889 shall cease to have effect.

(6) On the dissolution of the standing joint committee in pursuance of the foregoing subsection, the whole functions of that committee as the police authority for the county shall be transferred to and vest in the county council, and any reference in any Act to the standing joint committee or to the police authority shall be construed accordingly.

(7) Section sixty-seven of the Act of 1889 (which relates to borrowing by a county council) shall have effect as if the references to the consent of the standing joint committee were omitted therefrom, so however that nothing in this section shall require any consent not required if the consent of the said committee were obtained.

(8) Any provision in any Act of Parliament, deed, regulation or other document whereby only persons who are, or are qualified to be, commissioners of supply shall be eligible for appointment to any office shall have effect as if such limitation were omitted.

Transfer of Property and Liabilities and of Officers.

Transfer of property and liabilities of transferor authorities.

6.—(1) Where any functions are transferred by or under this Act from one local authority (in this Act referred to as the transferor authority) to one or more other local authorities (in this Act referred to as transferee authorities), then, subject to the provisions of this Act, all property or liabilities so far as held or incurred by, or on behalf of, the transferor authority for the purposes of such functions (including, without prejudice to the foregoing generality, any property and liabilities held or incurred by a district board of control, district committee, education authority or parish council as trustees of a trust)—

(*a*) if the area of the transferor authority is wholly comprised within the area of the transferee authority, shall be transferred to and vest in the transferee authority; and

(*b*) in any other case shall be transferred to and vest in such one of the transferee authorities or such two or more of the transferee authorities jointly, or be divided between any two or more of those authorities as may be agreed between them or, failing agreement, as the Central Department may by order determine:

Provided that—

(i) as respects any superannuation fund established by a transferor authority being a district board of control or parish council where the functions of that authority are by this Act transferred to two or more transferee authorities, the fund shall be transferred to and vest in the transferee authority (not being a district council) the gross annual valuation of whose area so far as within the area of the transferor authority, according to the valuation roll for the year current at the passing of this Act, exceeds the gross annual valuation of the area of any other transferee authority (not being a district council) so far as within the area of the transferor authority;

(ii) as respects any trust vested in a district board of control, or parish council where the area of the transferor authority is within the area of two or more transferee authorities, the transferee authorities shall jointly be the trustees of the trust as coming in place of the transferor authority unless the trust relates solely to a part of the area which is wholly within the area of one of the transferee authorities, in which case that transferee authority shall be the trustees of the trust and the property and liabilities of the trust shall be transferred to and vest in the transferee authorities or the transferee authority as the case may be; and

(iii) as respects any sum due and unpaid by a transferor authority at the commencement of this Act (including any sums required by the Department of Health to be paid before that date under section twenty-four of this Act) the Secretary of State may by order make

such provision for such sums being charged only against the area to which the debt relates or otherwise as he considers equitable.

(2) Subject to the provisions of this Act, all property and liabilities transferred by or in pursuance of this section shall be held or treated as incurred by or on behalf of the transferee authority for the same purposes and subject to the same trusts, and in the case of property subject to the same debts and liabilities as they were held or incurred by or on behalf of the transferor authority, but, save in the case of a trust constituted by deed or other writing, or in the case of property held for the purposes of the Public Libraries Acts, any property or liabilities relating to a function transferred by or under this Act shall be held or treated as incurred for the purposes of the function so far as relating to the whole area of the transferee authority: Provided that nothing in this subsection shall affect the provisions of the Educational Endowments (Scotland) Act, 1882, and the Educational Endowments (Scotland) Act, 1928, as respects any trust to which those Acts apply. 45 & 46 Vict. c. 59. 18 & 19 Geo. 5. c. 30.

(3) Where in accordance with the provisions of the Roads and Streets in Police Burghs (Scotland) Act, 1925, the town council of a small burgh has paid to a county council a sum in redemption of their liability to make annual payments in respect of highways within the burgh, the county council shall, as soon as may be after the commencement of this Act, repay to the town council the said sum, subject to a deduction therefrom in respect of every complete year which has elapsed since the date at which the said sum was payable by the town council of a sum equal to one-tenth or one-fifteenth of the said sum according as the said highways were transferred prior to the sixteenth day of May, nineteen hundred and twenty-four, or after that date. 15 & 16 Geo. 5. c. 82.

(4) If any question arises as to the custody of or access to books, records or other documents relating to a function transferred by or under this Act, the question shall, if the authorities concerned fail to agree, be determined by the Central Department.

Transfer of officers and superannuation funds.

7.—(1) The provisions of section twenty-seven of and the Second Schedule to the Act of 1926 (relating to transfer of and compensation to officers) shall apply for the purposes of this Act to and as respects officers of transferor and transferee authorities respectively as they

applied to and as respects officers of parish councils and rating authorities respectively, subject to the following and any other necessary modifications :—

(*a*) References to the passing or commencement of the said Act shall be construed as references to the passing or commencement of this Act, as the case may be, except where functions are transferred under subsection (2) of section two of this Act, in which case the references to the passing and commencement of this Act shall respectively be construed as references to the date of the order made under the said subsection and the date when the transfer of functions under the order takes effect :

(*b*) Subsection (1) of the said section twenty-seven shall apply to the following officers as if they were the officers therein specified—

(i) every person who at the commencement of this Act is employed as a teacher by an education authority;

(ii) every other officer employed at the passing of this Act by a district board of control, district committee, education authority or parish council and still so employed at the commencement of this Act; and

(iii) every officer who at the passing of this Act is employed by a transferor authority (other than a district board of control, district committee, education authority or parish council) in full-time employment in the performance of functions of the authority transferred by this Act and who is still so employed at the commencement of this Act :

Provided that where the area of the transferor authority is within the areas of two or more transferee authorities, and where any such officer as aforesaid is employed in full-time employment in or about any institution, building or lands belonging to a transferor authority, such officer shall be transferred to and become an officer of the transferee authority or authorities to which the institution, buildings or lands are transferred :

(*c*) The reference to a parish council where it last occurs in proviso (i) to subsection (2) of the

said section twenty-seven shall be construed as a reference to the authority having the administration of the superannuation fund therein referred to:

(*d*) The second proviso to subsection (2) and paragraph (i) of subsection (8) of the said section twenty-seven shall not apply:

(*e*) Any officer who was the chief constable of a small burgh immediately before the commencement of this Act may decline to become an officer of the transferee authority and any such officer who shall so decline shall be entitled to compensation without regard being had to any offer of employment in the police force of the transferee authority, and any such officer who shall accept office under the transferee authority shall, notwithstanding the provisions of subsection (2) of the said section twenty-seven, hold office on such terms and conditions as that authority may determine:

(*f*) The reference to "this Act" in subsection (7) of the said section twenty-seven shall be construed as a reference to Part I of this Act:

(*g*) References to a parish council, town council or county council in paragraphs 2, 3 and 4 of the said Schedule shall be construed as references to any local authority:

(*h*) Except where the transferee authority or in the case of a claim for compensation the compensating authority in any particular case otherwise determine, any alteration made after the twelfth day of November, nineteen hundred and twenty-eight, in the tenure or terms and conditions on which any officer held his office at that date or in the salary or remuneration payable to any officer at that date shall be deemed not to have been made unless such alteration was made in pursuance of an agreement concluded before that date or merely confers rights to superannuation under the Local Government and other Officers' Superannuation Act, 1922: 12 & 13 Geo. 5. c. 59.

(*i*) In computing the service of any officer for the purpose of an award of compensation, account shall be taken only of the service of that officer

under any local authority after he attained the age of eighteen years, and where the officer held two or more offices and the claim to compensation is based on a loss of one or some only of those offices, account shall not be taken of service in an office which the officer continues to hold, unless throughout the period of his service in that office he devoted the whole of his time to the duties of offices held by him under one or more local authorities:

Provided that, where a claim for compensation is made by a person who, while employed by a local authority in an office the employment in which is ordinarily regarded as full time employment, also held another office under a local authority and the claim is based on the loss only of the last mentioned office, account shall not be taken of service in the first mentioned office:

(*j*) Where a person who, both at the passing and at the commencement of this Act, is in the full-time employment of an officer of a transferor or transferee authority (other than an officer holding a temporary appointment) and is engaged solely on the work of the authority, suffers direct pecuniary loss by termination of his employment in consequence of his employer, if an officer of a transferor authority, not becoming an officer of the transferee authority or if an officer of a transferee authority ceasing to be an officer of that authority or otherwise in consequence of anything done under, or in pursuance of, or in consequence of this Act, the transferee authority may in their discretion pay to such person by way of compensation such sum as they think proper not exceeding the compensation which would have been payable to him had he, while employed and engaged as aforesaid, been in the full-time employment of the authority of which his employer was an officer.

For the purposes of this subsection, a district council shall be deemed not to be a transferee authority, except as respects any officer employed by a parish council solely for the purposes of functions transferred to the district council.

(2) Any transferee authority to whom a superannuation fund is transferred by or in pursuance of this Act, may, and if required by the Secretary of State shall, frame a scheme with respect to the rights and liabilities of parties interested in the fund, and such scheme may provide for the said fund being merged so as to form one fund with any other superannuation fund of the transferee authority, whether established under the same Act or not, and for any necessary financial adjustments, and may modify or adapt the provisions of any Act of Parliament, rules or scheme relating to any of the said funds, so however that the rights and interests of officers in any such funds shall be adequately protected; and any such scheme shall have effect only subject to the approval of the Secretary of State.

(3) Where before the commencement of this Act a transferee authority has established a superannuation fund, the authority may, subject to the approval of the Secretary of State, by scheme provide for applying to officers transferred by or under this Act to that authority the Act or the rules or scheme regulating the fund, subject to such modifications and adaptations as may be prescribed in the scheme.

(4) Where any scheme under this section modifies or adapts the provisions of any Act of Parliament, the scheme shall be laid before both Houses of Parliament as soon as may be after it is made, and if an Address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such scheme is laid before it praying that the scheme may be annulled, it shall henceforth be void, but without prejudice to the validity of anything previously done thereunder or the making of a new scheme.

Reconstitution and Election of County Councils.

Reconstitution of county councils.

8.—(1) The county council, being the authority entrusted with the management of the administrative and financial business of the county, shall be reconstituted in accordance with the provisions of this section.

(2) The county council shall be reconstituted as follows, that is to say:—

(*a*) The county council shall consist of members elected for the landward area and of members representing the burghs (including police burghs)

included within the county for any purpose whether under this or any other Act;

(*b*) The members representing the landward area of the county shall be elected for the electoral divisions of the county (not being police burghs or part of police burghs);

(*c*) The members representing the burghs shall be elected by the town councils of the burghs and for that purpose the provisions of section eight of the Act of 1889 shall apply with the necessary modifications to all the burghs.

(3) For the purposes of the reconstitution of county councils under this section, the Secretary of State shall have power by order to determine the number of county councillors for the county and to apportion them between the landward area and the burghs entitled under any Act, including this Act, to be represented on the county council, and to determine the contents and boundaries of electoral divisions in the county, and in making any determination of the number or any apportionment of county councillors the Secretary of State shall have regard to the reduced rateable value (within the meaning of Part III of this Act) of the landward area and the burghs and to the matters (other than value) referred to in section five of the Act of 1889.

(4) Before making an order under the foregoing subsection, the Secretary of State shall cause the draft of the proposed order to be published in such manner as he shall determine in order to make the same known to all persons interested, and shall consider any objections and representations respecting the proposed order, and, if he sees fit to do so, cause a local inquiry to be held, and the order when made shall be forthwith published in the Edinburgh Gazette, and in a newspaper published or circulating in the area to which it relates.

(5) Section fifty-one of the Act of 1889 (which relates to alteration of the number of county councillors and of boundaries, &c.) shall have effect as if after the words "town council," there were inserted the words "or of a majority of the members of a county council elected for the landward area."

(6) No councillor representing a small burgh shall be entitled to exercise a deliberative vote in respect of any matter relating solely to the exercise of any function

which the county council is not entitled to exercise within the burgh.

(7) No councillor representing a large burgh shall be entitled to exercise a deliberative vote except in respect of any matter relating solely to a function which the county council is entitled to exercise within the burgh.

(8) Any reference in any Act to the whole number of a county council shall as regards any matter be construed as a reference to the whole number of councillors entitled to exercise deliberative votes in respect of that matter.

(9) Any expenses of a county council reconstituted in accordance with the provisions of this section incurred prior to the commencement of this Act shall be defrayed by the county council as existing at the passing of this Act (hereinafter referred to as the existing county council).

(10) This section shall come into operation on the first day of October, nineteen hundred and twenty-nine.

Election of reconstituted county councils.

9.—(1) The first election of members of the reconstituted county councils for the landward areas of the counties shall take place on the first Tuesday of December in the year nineteen hundred and twenty-nine, and the members so elected shall hold office until the next election of members in pursuance of the Act of 1889 which election shall take place on the first Tuesday of December, nineteen hundred and thirty-two, and subsequent elections shall take place on the said first Tuesday of December in every third year thereafter :

Provided that any reference in any Act to a triennial election of county councillors shall be deemed not to include a reference to the first election of members of the reconstituted county council to be held in pursuance of this subsection.

(2) Section seven of the Act of 1889 (which relates to the qualification of county councillors), so far as unrepealed, and section one of the County, Town, and Parish Councils (Qualification) (Scotland) Act, 1914, so far as relating to county councils, shall cease to have effect, and no person shall be qualified to be elected or to be a county councillor for an electoral division of a county unless— 4 & 5 Geo. 5. c. 39.

(*a*) he is at the time of the election registered as an elector entitled to vote at an election of a

county councillor for an electoral division of the county or as an elector entitled to vote at an election of town councillors of any burgh included within the county for any purpose; or

(*b*) is a person of full age and not subject to any legal incapacity and has, during the whole of the twelve months preceding the election, resided within the county, including any such burgh as aforesaid.

(3) The members of a reconstituted county council first elected under this Act shall not enter on their duties or become the county council until the sixteenth day of May, nineteen hundred and thirty, except for the purposes of sections twelve and fourteen of this Act, and for the purpose of anything necessary to bring this Act into full operation on the said day.

(4) The members of an existing county council shall go out of office on the sixteenth day of May, nineteen hundred and thirty.

(5) This section shall come into operation on the first day of October, nineteen hundred and twenty-nine.

Combination of and Delegation by Local Authorities.

Provisions for uniting burghs and combining counties for certain purposes.

10.—(1) The provisions of the Second Schedule to this Act shall have effect for the purpose of uniting the burghs therein mentioned in the manner therein set forth.

(2) Any two or more burghs united in pursuance of the foregoing subsection shall cease to be separate burghs and shall for all purposes whatsoever become one burgh (hereinafter in this section referred to as a united burgh).

(3) Where a burgh being a royal burgh is united in pursuance of this section with a burgh other than a royal burgh, the royalty of the royal burgh shall be extended to comprehend the burgh other than the royal burgh, and where any burgh included in a united burgh is for the purpose of any statutory provision a parliamentary burgh the united burgh shall for the purpose of such statutory provision be deemed to be a parliamentary burgh.

(4) An election of town councillors of every united burgh shall take place in manner directed by the

enactments relating to the election of town councillors on the first Tuesday of November in the year nineteen hundred and twenty-nine and all the town councillors of every burgh included in any united burgh in office on the day preceding the said day shall go out of office on the said day:

Provided that, in the case where there is in force, as regards one of the burghs included in a united burgh, an order under section seven of the Town Councils (Scotland) Act 1903, fixing a day other than the first Tuesday of November for the annual retiral and election of councillors, such order shall in the aforesaid year be deemed to apply to each of the other burghs included in such united burgh, and the foregoing provisions of this subsection shall apply with the substitution of the day so fixed for the first Tuesday of November. 3 Edw. 7. c. 34.

(5) Where two or more burghs are united in pursuance of the foregoing provisions of this section, the Secretary of State may, by order, make provision for determining the number of councillors and magistrates to be elected for the united burgh, and, where it appears expedient, for the division of such burgh into wards and polling districts.

(6) Where two or more burghs are united in pursuance of the foregoing provisions of this section, the whole functions of the councils of such burghs shall be transferred to and vest in the council of the united burgh, and the provisions of this Act relating to the transfer of and compensation to officers shall apply in like manner as they apply in the case of officers of parish councils.

(7) There shall be combined for the purposes after mentioned—

(i) the county of Kinross with the county of Perth;

(ii) the county of Nairn with the county of Moray;

and for those purposes the following provisions shall have effect:—

(*a*) The combination shall have effect for every purpose for which any small burgh is by virtue of this Act included within a county and for no other purpose;

(*b*) The members of the county councils (reconstituted in accordance with the provisions of this Act) of the two counties forming the combined county shall, for the purposes aforesaid, form a joint county council for the combined county, and the provisions of any Act with respect to county councils shall apply with any necessary modifications to the joint county council;

(*c*) For the purposes of this Act so far as relating to functions for which the combination shall have effect, the joint county council shall be the transferee authority instead of the county councils of the two counties, and any such functions vested at the commencement of this Act in either of the county councils of the two counties shall be transferred to and vest in the joint county council;

(*d*) The combined county and the joint county council shall be the county and the county council respectively for the purposes of the provisions of Part III of this Act relating to the county apportionment and the General, Additional and Supplementary Exchequer Grants and the separate counties and the county councils thereof shall be the counties and the county councils respectively for the purposes of the provisions of the said Part relating to the Landward General Exchequer Grants and the other provisions of the said Part shall have effect accordingly;

(*e*) The expenses of the joint county council, so far as requiring to be apportioned and allocated between the landward parts of the two separate counties, shall be so apportioned and allocated between the two county councils in like manner as expenses are apportioned and allocated for the purpose of ascertaining the contributions of small burghs to a county council, and the provisions of subsection (2) of section twenty-one of this Act shall, with the necessary modifications, apply to the sums so apportioned and allocated;

(*f*) Subject to the provisions of their administrative schemes, the joint county council may delegate

any of their functions to the county council of either county as if such council were a committee of the joint county council.

(8) This section shall come into operation—

(*a*) on the first day of October, nineteen hundred and twenty-nine, for the purpose of the election of town councillors of united burghs; and

(*b*) on the fifth day of November, nineteen hundred and twenty-nine, so far as otherwise relating to burghs and so far as relating to counties for the purposes of sections twelve and fourteen of this Act.

Provisions as to combination of local authorities.

11.—(1) Any two or more local authorities may combine for any purpose in which they are jointly interested and that on such terms and conditions as may be agreed between them, and any such agreement may provide for the appointment of a joint committee of the authorities concerned.

(2) It shall be lawful for the Central Department on the application of a local authority, if it shall appear to the Department that the combination of that authority with any other local authority or authorities for any purpose would be of public or local advantage, to make an order combining the areas of the local authorities or parts thereof for the purpose specified therein:

Provided that an order shall not be made under this subsection except after a local inquiry, unless all the local authorities concerned consent.

(3) Any such order shall define the powers, rights, duties, liabilities and obligations of the local authorities and the mode of defraying the expenses of the combination and may provide for the appointment of a joint committee, for the transfer of any property or liabilities held or incurred by or on behalf of any of the authorities concerned for the purpose for which the combination shall have effect, and for any other matter or thing which it appears necessary or proper to regulate for the better carrying into effect of the order.

(4) Where a district asylum or institution for mental defectives has been provided by a district board of control whose functions are by this Act transferred to two or more transferee authorities, or where it appears to the General Board of Control for Scotland to be

necessary for the purpose of any statutory provision relating to a particular district board that there should be a combination of the two or more transferee authorities to which the functions of that district board are by this Act transferred, then, unless the transferee authorities, with the approval of the General Board of Control for Scotland, otherwise agree in the case where any such asylum or institution has been provided as aforesaid, such transferee authorities shall be deemed to have combined for the provision and maintenance of such asylum or institution or for the purpose of the said statutory provision, as the case may be, and that on such terms and conditions as the transferee authorities may agree and, failing agreement, as the General Board of Control for Scotland may by order determine.

(5) Where any transferor authority is, as respects functions transferred by or under this Act, immediately before such transfer of functions takes effect included in a combination of local authorities, the combination shall be deemed to continue and the transferee authority shall be deemed to have entered into the combination, subject to the modification that, notwithstanding anything in any Act of Parliament or the agreement, order, or other document regulating the combination, the transferee authority may, with the consent of the Central Department, at any time before the expiration of two years after the transfer of functions takes effect, on giving not less than six months previous notice in writing to all the other local authorities included in the combination, withdraw from the combination on such terms and conditions as may be agreed upon between the authorities and, failing agreement, as the Central Department may by order determine.

(6) In the case of any registration district which is not wholly within the area of any one local authority under the Registration of Births, Deaths and Marriages Acts or in the case of any churchyard which is not wholly within the area of one local authority under the Burial Grounds Acts, the local authorities concerned shall be deemed to have combined for the purposes of those Acts as respects the registration district or the churchyard, as the case may be, and that on such terms and conditions as the authorities concerned may agree and, failing agreement, as the Central Department may by order determine.

(7) Where in any Act of Parliament, agreement, order or other document regulating a combination of local authorities reference is made to the gross annual or other valuation of the areas of the authorities concerned (whether for the purpose of defraying the expenses of the combination or otherwise) then, unless the Central Department on the application of any of the authorities otherwise determine for all or any of the purposes of the combination, the reference shall as respects the year beginning on the sixteenth day of May, nineteen hundred and thirty, and subsequent years, be construed as a reference to the rateable valuation of the areas of the authorities.

(8) Notwithstanding anything in any order for combining local authorities for the provision of sanatoria and other institutions under subsection (3) of section sixty-four of the National Insurance Act, 1911, no small burgh shall be entitled to receive direct representation on any joint committee, joint board or other body thereby constituted, and the provisions of subsection (4) of section forty-one of the National Insurance Act, 1913, shall cease to have effect. 1 & 2 Geo. 5. c. 55. 3 & 4 Geo. 5. c. 37.

(9) On the dissolution of any combination of local authorities, then, unless the authorities otherwise agree, the Central Department shall, except where they consider no provision necessary, make an order regulating the rights and liabilities of the local authorities concerned and containing such other provisions as are necessary or proper in the circumstances.

(10) Nothing in this section shall authorise a combination of local authorities for any purpose in regard to which provision is made by any other Act for combination of local authorities whether by the appointment of a joint committee or by other provision for the joint exercise of powers, with the sanction of or on an order made by a Government department or the Electricity Commissioners.

Committees.

12.—(1) Each county council reconstituted in accordance with the provisions of this Act, and the town council of each burgh being a county of a city shall have a committee, to be known as the education committee, and to be constituted in accordance with a scheme made by the council and the provisions of subsection (1) (including the proviso thereto) and subsections (8), (9), and (10) of section fourteen of this Act shall, with the

substitution of the Scottish Education Department for the Secretary of State and of the fifteenth day of January for the thirty-first day of March and any other necessary modifications apply to a scheme under this subsection. The Scottish Education Department before approving such a scheme shall require the council to publish the scheme in such manner as to make the same known to persons interested.

(2) Every such reconstituted county council shall appoint committees for the purposes of their functions relating to (*a*) police and (*b*) poor law, and any reference in any Act to the police committee shall be construed as a reference to the first-mentioned committee.

(3) (*a*) Except where for the purpose of co-ordinating the services provided by the council it is otherwise specified in the appropriate administrative scheme, all matters relating to the exercise by a county council of their functions (other than functions relating to the raising of money by rate or loan) relating to (*a*) education, (*b*) police, and (*c*) poor law, shall stand referred to the appropriate committee, and all matters relating to the exercise by the town council of a burgh being a county of a city of their functions (other than as aforesaid) relating to education, shall stand referred to the education committee, and the county or town council, as the case may be, before exercising any such functions, shall, unless in their opinion the matter is urgent, receive and consider the report of the appropriate committee with respect to the matter in question.

(*b*) All matters relating to the provision of instruction in religion in terms of section seven of the Education (Scotland) Act, 1918, shall stand referred to the education committee and the council, before exercising any function relating to such instruction shall, unless in their opinion the matter is urgent, receive and consider the report of the education committee with respect to the matter in question.

(*c*) Save as otherwise provided in this section, the county or town council may also delegate to the appropriate committee with or without any restrictions or conditions as they think fit any of the aforesaid functions. Where a county or town council delegate to their education committee the power of dismissing a certificated teacher from their service, the provisions of

subsection (1) of section twenty-four of the Education (Scotland) Act, 1918, shall apply with the substitution of the education committee for the education authority. 8 & 9 Geo. 5. c 48.

(4) Every scheme constituting an education committee shall provide—

(*a*) for the appointment by the county or town council of at least a majority of the committee from persons who are members of the council;

(*b*) for the appointment by the council of persons of experience in education and of persons acquainted with the needs of the various kinds of schools in the area for which the council act, including—

(i) in all cases at least two persons interested in the promotion of religious instruction in terms of section seven of the Education (Scotland) Act, 1918, to be nominated by a meeting of representatives of the churches or denominational bodies (other than those having a right to nominate as hereinafter in this paragraph provided for) having duly constituted charges or other regularly appointed places of worship within the area, and the scheme shall prescribe the constitution of the meeting and the manner of convening it; and

(ii) in the case of a council maintaining any school transferred or established under section eighteen of the Education (Scotland) Act, 1918, to which school the conditions prescribed in subsection (3) of the said section continue to apply, at least one representative nominated by the church or denominational body by whom the teachers in the school are required to be approved as regards religious belief and character;

(*c*) for the inclusion of women as well as men among the members of the committee; and

(*d*) as respects the first education committee to be appointed, for the inclusion of one or more members of the outgoing education authority.

(5) Any committee of a town council (other than an education committee or a school management committee under section three of the Education (Scotland)

Act, 1918) which is appointed for the purpose of any function to which an administrative scheme under this Act applies, may to an extent not exceeding one-third of the members consist of persons (not being members of the council) who have special knowledge or experience in regard to the functions of the committee, and any committee appointed by a town council for the purposes of poor law within one year after the commencement of this Act, shall include one or more members of outgoing parish councils.

(6) No county or town council shall delegate to any committee the power of raising money by rate or loan or of incurring capital expenditure.

(7) Subject to any regulations or directions by the county or town council, any committee of the council appointed for the purpose of any function to which an administrative scheme under this Act applies may appoint sub-committees and may delegate to such sub-committees any of the functions of the committee, and any such sub-committee may consist in part of persons not being members of the committee, but at least two-thirds of the members of any such sub-committee shall be members of the council:

Provided that—

(i) a person who is not a member of the council or of the committee shall not be appointed to any sub-committee except with the consent of the council;

(ii) a sub-committee of the education committee of a council may consist, to an extent not exceeding one half, of persons who are not members of the council;

(iii) the education committee of a council shall not so delegate any function in regard to—

(*a*) the appointment, transfer, remuneration or dismissal of teachers; or

(*b*) the appointment of bursars or the exercise of the functions under section four of the Education (Scotland) Act, 1918; or

(*c*) the recognition, establishment or discontinuance of schools or of centres of advanced technical instruction; and

(iv) the provisions of this subsection requiring a minimum number of the members of a sub-committee to be members of the council shall not apply in the case of a sub-committee appointed by a school management committee.

(8) Subsection (2) of section nine of the Act of 1889 (which relates to disqualification for being councillors) shall have effect as if any reference to the committee therein mentioned included a reference to any committee and to any sub-committee of the county council, and section thirteen of the Town Councils (Scotland) Act, 1900 (other than paragraphs (1) and (2) thereof), shall have effect as if references to the council and to a councillor respectively included references to any committee and any sub-committee of the town council and to a member of any such committee or sub-committee: 63 & 64 Vict. c. 49.

Provided that nothing in this subsection shall apply as regards the appointment of teachers to a school management committee in pursuance of section three of the Education (Scotland) Act, 1918.

(9) This section shall come into operation on the third day of December, nineteen hundred and twenty-nine.

Power of delegation by county councils.

13.—(1) A county council may on such terms and conditions as the councils concerned may agree appoint—

(*a*) the town council of any small burgh within the county, or

(*b*) the district council of a district within the county, or

(*c*) a joint committee of such a town council and district council (of which joint committee the members of the county council for the burgh and district shall be members),

to act as the agents of the county council to carry out any function (other than a function relating to education or police) vested in the county council and exerciseable within the small burgh or district or small burgh and district, as the case may be, so however that a function relating to any form of medical or surgical treatment shall not be so delegated except with the approval of the Central Department, and, subject to the terms of appointment, a council or committee so acting as agent may act through a committee or sub-committee thereof.

(2) Any council so acting as agent or having representation on any such joint committee may contribute towards the expenses incurred by the council or committee in so acting as agent, and any such contribution by a town council may be defrayed out of such rate leviable by the council and payable by owners and occupiers in equal proportions as the council may determine.

Schemes for Administration.

Schemes for administration of functions.

14.—(1) The county council of every county and the town council of every large burgh shall on or before the thirty-first day of March, nineteen hundred and thirty, prepare and submit to the Secretary of State for his approval a scheme or schemes of administrative arrangements (in this Act referred to as administrative schemes) proposed to be made for discharging throughout their area the functions of the council relating to (*a*) education, (*b*) poor law, (*c*) public health, (*d*) lunacy and mental deficiency, and (*e*) in the case of a county council, roads, and for that purpose every transferor authority and their officers shall give to the transferee authority such information with respect to existing arrangements as the transferee authority may require:

Provided that the council in preparing the administrative scheme so far as relating to education shall consult with the education authority of the area.

(2) Any administrative scheme may and shall, if the Secretary of State so requires, provide that the council shall appoint a committee or committees for the purposes of any functions to which the scheme relates, that such matters as may be specified in the scheme shall stand referred to such committee or committees, and that the council before exercising any function relating to a matter so standing referred shall, unless in their opinion the matter is urgent, receive and consider the report of the committee with respect to the matter in question.

(3) Every administrative scheme (other than a scheme relating to education) made by a county council may provide for the county council appointing to act as agents of the council, the town council of any small burgh within the county or the district council of a district within the county or a joint committee of such a town council and district council (of which joint

committee the members of the county council for the burgh and district shall be members), to carry out the functions specified in the scheme so far as exercisable within the small burgh or district or small burgh and district as the case may be, but subject always to the terms and conditions set forth in the scheme.

(4) An administrative scheme may provide that any assistance to which this subsection applies, which might after the commencement of this Act be provided either by way of poor relief or by virtue of any enactment other than the Poor Law Acts, shall be provided exclusively under and by virtue of the enactments other than the Poor Law Acts and not by way of poor relief, but nothing in this subsection or in any scheme shall diminish or otherwise affect the duty of the council to provide relief for the poor.

The assistance to which this subsection applies shall be the maintenance and treatment of sick persons, including, without prejudice to the said generality, persons suffering from any infectious or other disease, or persons mentally deficient, or the provision made for the health of expectant mothers, nursing mothers, or children under five years of age, or for blind persons, or for the feeding, clothing and treatment of school children.

(5) Every administrative scheme relating to education made by the council of a county within which a large burgh is included for the purpose of education shall, unless the county council and the town council of the large burgh otherwise agree, make provision whereby for the purpose of the medical inspection, supervision, and treatment of the children attending the schools within the burgh the county council shall utilise to such extent, and on such terms and conditions as the councils agree or, failing agreement, as the Department of Health determine, the medical and nursing staff of the town council and the clinics and hospitals, under the control of that council. The county council before making any such scheme and the Department before approving any such scheme shall consult with the town council, and any such scheme, when so approved, shall be binding on the town council.

(6) In order to meet as far as practicable the interests and convenience of the county council, the town council of the small burgh concerned and the inhabitants thereof,

every administrative scheme of a county council relating to roads shall make provision with respect to the opening or breaking up of any classified road within a small burgh whether by the county council for the purpose of reconstructing, repairing or maintaining the road, or by the town council for the purpose of laying, replacing, repairing, or maintaining water, sewer, gas, or other pipes or electric cables or other like things under the said road.

(7) In any case where the Public Libraries Acts are in operation within any part of the landward area of a county, the administrative scheme of the county council relating to education may provide for the administration of the said Acts throughout the areas within which they are in operation being under the general supervision of the education committee, for the appointment as a library committee for each of the said areas of the district council of the district or of a committee consisting to the extent of not less than one-third and not more than one-half of persons who, not being members of the education committee, are resident within the area, and for the functions of the committees under the said Acts being exercised by the education committee or the library committees as specified in the scheme, and where the scheme makes such provision as aforesaid the provisions of the Public Libraries Acts relating to the appointment of committees shall not apply.

(8) The Secretary of State may approve the scheme either as submitted or with such modifications and amendments as he thinks proper, and upon approval the council shall discharge their functions throughout their area in accordance with the scheme.

(9) If a county or town council fail by the date aforesaid to submit to the Secretary of State a scheme in accordance with the provisions of this section, he may, after consultation with such authorities as appear to him to be interested, himself make a scheme for the purpose, but before making such scheme he shall publish in one or more newspapers published or circulating in the area to which the scheme relates a notice stating his intention to make a scheme, and that a copy of the draft scheme is open to inspection at a specified place, and that representations thereon may be made to him within fourteen days after the publication of the notice, and shall consider any representations which may be submitted

to him within that period, and any scheme so made shall have effect as if it were a scheme submitted by the council and approved by him.

(10) Any scheme submitted by a council and approved by the Secretary of State as aforesaid may be revoked or varied by a new scheme submitted and approved in accordance with the foregoing provisions, and any scheme made by the Secretary of State as hereinbefore provided may be revoked or varied by a new scheme submitted by the council to which it relates and approved by the Secretary of State, or by a new scheme made by the Secretary of State in accordance with the provisions hereinbefore contained.

(11) This section shall come into operation on the third day of December, nineteen hundred and twenty-nine.

Accounts, Rates and Borrowing.

Audit and accounts.

15.—(1) The provisions set out in the Third Schedule to this Act shall have effect with respect to the audit of the accounts of every county council and of every town council for the year beginning on the sixteenth day of May nineteen hundred and thirty, and for every subsequent year, and the provisions of any enactment so far as inconsistent with the provisions of the said Schedule shall not apply with respect to the accounts of any such council for those years. In the case of a council whose financial year begins on a day other than the sixteenth day of May, the foregoing provisions shall have effect with the substitution of that other day for the sixteenth day of May.

(2) The statutory provisions with respect to accounts and budget applicable to a county council or a town council shall apply as regards all functions transferred to the council by or under this Act.

(3) For the purposes of the making up, balancing and audit of the accounts for the year ending on the fifteenth day of May, nineteen hundred and thirty, of district boards of control, education authorities and parish councils, the statutory provisions relating to the accounts and the audit of accounts of the said boards, authorities and councils shall have effect subject to such necessary modifications as the Central Department may by order prescribe.

Expenditure by local authorities on public utility schemes.

16.—(1) A county or town council may, subject to the approval of the Secretary of State, make any payment for the purpose of any scheme of public utility, so however that the total payments so made by the council in any year shall not exceed a sum representing the produce of a rate of one penny per pound on the rateable valuation of the area of the council.

(2) Nothing in the foregoing subsection shall apply to any payment made for the purpose of any scheme of public utility in pursuance of any power otherwise competent to the council.

(3) Any payment made under this section shall be defrayed out of such rate payable by owners and occupiers in equal proportions as the council may determine.

Payment by county councils of travelling expenses, &c.

17.—(1) It shall be lawful for a county council to incur expenditure in paying allowances at rates not exceeding those set out in the Fourth Schedule to this Act in respect of travelling and other personal expenses necessarily incurred and time necessarily lost from ordinary employment by members of the council or of any committee or sub-committee thereof in attending meetings of such council, committee or sub-committee.

(2) Any such expenditure as aforesaid incurred in respect of meetings of the council shall be defrayed in like manner as general administrative expenses of the council, and any expenditure incurred in respect of meetings of a committee or of any sub-committee shall be defrayed in like manner as expenditure on the functions for which the committee or sub-committee is appointed.

(3) Any reference in the foregoing provisions of this section to a committee shall be deemed to include a reference to a local advisory council for the purposes of education, and subsection (7) of section three of the Education (Scotland) Act, 1908, as adapted by section thirty-two of and the Fifth Schedule to the Education (Scotland) Act, 1918, in so far as it relates to expenses or allowances in respect of attendance at meetings shall cease to have effect.

8 Edw. 7. c. 63.

Rates relating to transferred functions.

18.—(1) Any sums required to be raised by rate for the purpose of any function transferred by or under this Act shall, notwithstanding any provision in any Act, be

ascertained by reference to the expenses of the transferee authority in discharging the function throughout their area:

Provided that nothing in this subsection shall apply—

(*a*) in any case with respect to which provision has been made by a local Act where the Secretary of State by order so provides; and

(*b*) in the case of a special district rate.

(2) The expenditure on functions transferred by subsection (1) of section one of this Act from parish councils shall (so far as falling to be defrayed out of rates) be defrayed out of rates to be levied for the purpose in accordance with the provisions of this Act.

(3) The expenses incurred under the Lunacy Acts and the Mental Deficiency and Lunacy (Scotland) Act, 1913, by county councils and town councils of large burghs as coming in place of district boards of control and parish councils (so far as falling to be defrayed out of rates) shall be defrayed out of a rate to be levied for the purpose in accordance with the provisions of this Act and the provisions of the said Acts so far as inconsistent herewith shall cease to have effect: 3 & 4 Geo. 5. c. 38.

Provided that nothing in this subsection shall prevent a county or town council from recovering from the council of the area of the settlement of a lunatic or mental defective the expenses incurred by them in relation to such lunatic or mental defective.

(4) The limit of the rate of one shilling in the pound on the public health general assessment under section one hundred and thirty-seven of the Public Health (Scotland) Act, 1897, shall cease to have effect. 60 & 61 Vict. c. 38.

(5) The proviso to section five of the Education (Scotland) Act, 1918 (which relates to burghs or parishes in which a library rate is levied) shall cease to have effect.

(6) All expenses of and relating to churchyards vested prior to the commencement of this Act in a parish council shall be defrayed as expenses under the Burial Grounds Acts, and the provisions of subsection (6) of section thirty of the Act of 1894 and of section thirty-two of the Church of Scotland (Property and Endowments) Act, 1925, shall cease to have effect so far as inconsistent herewith.

Consolidated rate.

19.—(1) All rates leviable by a rating authority throughout the whole area of that authority whether under the provisions of a public general Act or of a local Act shall be levied and recovered as one rate to be known as the consolidated rate of the area of such rating authority, and such consolidated rate shall be divided between owners and occupiers in the same proportions as the total amount of the separate rates would have been divided between owners and occupiers had they been separately levied:

Provided that—

(*a*) except so far as the Secretary of State by order so directs, this subsection shall not apply to water rates leviable under the provisions of any local Act, which water rates shall continue to be leviable as separate rates; and

(*b*) where statutory provision is made in the case of any lands and heritages for a total or partial exemption from any rate included in the consolidated rate, the Secretary of State may, on the application of the rating authority or of any person interested, by order, provide that in lieu of such exemption only such portion of the consolidated rate as is specified in the order shall be leviable in respect of the said lands and heritages and the statutory provision shall have effect subject to the provisions of any such order.

(2) The total monies raised by the consolidated rate and all other revenues receivable by the rating authority shall be paid in the case of a burgh into a fund to be called " the burgh fund " and the expenditure of the town council payable out of rates for each branch of expenditure shall be defrayed out of such fund.

(3) Except where otherwise provided with respect to any rate, all rates shall be payable by owners and occupiers in equal proportions.

(4) Every demand note in respect of the consolidated rate shall, instead of showing the amount in the pound of or in respect of each separate rate, show the amount of the expenditure under each of the branches prescribed by the Secretary of State which is being defrayed out of the said rate and grants under Part III of this Act, and

subsection (2) of section sixty-two of the Act of 1889 and subsection (1) of section twenty-two of the Act of 1926 (which relate to demand notes) shall have effect accordingly.

(5) Any enactment imposing a limit on the amount per pound of any rate to which the provisions of subsection (1) of this section apply shall be construed as if the limit imposed thereby were a limitation of the amount of the expenditure under the appropriate branch to be defrayed in any financial year out of rates and grants under Part III of this Act to a sum representing the produce of a rate of the amount specified in the enactment on the gross annual valuation of the area to which the expenditure relates.

(6) Subsection (5) of section sixty-two of the Act of 1889 (which relates to the remedies and provisions for recovery of rates under that Act) shall apply to the consolidated rate leviable under this section by a county council.

(7) In the case of a burgh not being a burgh to which the Burgh Police (Scotland) Act, 1892, applies, the statutory provisions applicable to the burgh relating to the collection and recovery of rates, including, without prejudice to the said generality, the provisions relating to preferences and to penalties in respect of the non-payment of rates by a prescribed date shall, with any necessary modifications, apply to the consolidated rate leviable by the town council of the burgh under this section.

Amendment of 1 & 2 Geo. 5. c. 53. s. 7 (6).

20. Subsection (6) of section seven of the House Letting and Rating (Scotland) Act, 1911 (which relates to deduction to cover cost of collection to be allowed to owners from occupiers' assessments levied on and recovered from the owners) shall from and after the fifteenth day of May, nineteen hundred and twenty-nine, have effect subject to the following amendments :—

(*a*) The words "in the city of Glasgow two pounds "ten shillings per centum; and elsewhere," and the words "except in the city of Glasgow," shall be omitted; and

(*b*) The words "five pounds," shall be substituted for the words "two pounds ten shillings," wherever they occur.

Contributions by burghs to county council.

21.—(1) Subsections (3) and (4) of section sixty of the Act of 1889 and section ten of the Act of 1926 (which relate to contributions by burghs to the county fund) shall cease to have effect, and the expenditure (to which this subsection applies) of the county council for each purpose for which any burgh is included within a county, whether under this or any other Act, shall be apportioned and allocated as between each such burgh and the landward part of the county according to the rateable valuation in the valuation roll of the respective areas so far as within the county, and the amount of the contribution apportioned and allocated to a burgh shall not be rated for by the county council on the several lands and heritages within the burgh but, except in so far as defrayed out of the common good or other revenues of the burgh, shall be paid by the town council out of such rate payable by owners and occupiers in equal proportions as the town council may determine.

The expenditure to which this subsection applies is, in the case of a large burgh, expenditure which falls to be met out of rates and grants under Part III of this Act, and in the case of a small burgh, expenditure which falls to be met out of rates.

(2) The county council annually, and not later than the fifteenth day of July in each year, shall cause a requisition to be sent to the town council of each burgh included within the county for any purpose requiring them to pay the sum apportioned and allocated as aforesaid to the burgh, and the town council shall at such intervals and by such instalments as they and the county council may agree and, failing agreement, as the Secretary of State may determine, pay over to the county council the sum so requisitioned without any reduction whatever, so however that the last instalment shall be payable not later than the first day of May.

(3) The statutory powers of a town council to borrow temporarily for their current annual expenses shall be deemed to include power to borrow for the purpose of paying any such instalments as aforesaid.

(4) Notwithstanding anything in the Act of 1889, where a police burgh is for the purposes of any Act held not to be within the county, the town council of the burgh shall not be liable to contribute towards the expenses of the county council under that Act.

Contributions by burghs to police expenditure.

22. Notwithstanding anything in the provisions of this Act, the contribution towards expenditure for the administration of the police apportioned and allocated to any burgh which is supplied with constables by the county, shall not be paid by the town council of such burgh out of any rate to which such contribution or such expenditure would not have been chargeable if this Act had not passed.

Provision as to borrowing by county or town council.

23.—(1) Any sums borrowed after the commencement of this Act by a county or town council under powers conferred by any enactment whether passed before or after the commencement of this Act shall be borrowed upon the security of all funds, rates and revenues of the council, and all sums borrowed before the commencement of this Act by any such council on the security of any specified rate shall be deemed to have been borrowed upon the security of all the funds, rates and revenues of the council liable in repayment of the sums outstanding:

Provided that nothing in this subsection shall be construed as preventing the borrowing of money for the purposes of the Housing (Scotland) Act, 1925, on local bonds in terms of that Act, or shall affect the common good of a burgh or the revenues thereof or any existing power to borrow on the security of such common good or revenues.

15 Geo. 5. c. 15.

(2) Every enactment authorising a county or town council to borrow money for the purpose of meeting any expenditure of a capital nature shall have effect as if it provided that the council shall not, without the consent of the Central Department, so borrow unless the resolution to borrow has been agreed to by two-thirds of the members of the council present and voting at the meeting at which such resolution is passed.

Mitigation of liability of county councils and town councils of large burghs for temporary loans raised under 11 & 12 Geo. 5. c. 64.

24.—(1) For the purpose of affording relief to the county councils and the town councils of large burghs to whom liabilities in respect of loans (including overdrafts) raised by parish councils under section two of the Poor Law Emergency Provisions (Scotland) Act, 1921, are transferred under this Act, the following provisions shall have effect with respect to such loans:—

(*a*) The Department of Health shall, in the case of each county and large burgh to the council of

which liability for any such loan is transferred under this Act, certify the amount of the liability on account of the loan outstanding at the commencement of this Act, after deducting therefrom such amount (if any) as represents sums required by the Department to be paid by a parish council before the commencement of this Act which have not been so paid;

(*b*) Where any such loan is a loan made by the Scottish Board of Health, the sum so certified with respect to the loan shall be repaid without interest to the Department by the council liable therefor within fifteen years from the commencement of this Act either by means of an annuity equal to one-fifteenth part of the certified sum, the first instalment being payable on the fifteenth day of May, nineteen hundred and thirty-one, or by such other means as may be agreed between the Department and the council;

(*c*) Where any such loan is a loan made by a person other than the Scottish Board of Health, the loan and the interest thereon shall continue payable by the council liable therefor at such times and by such instalments as are required by the terms of the contract of borrowing; but the Department shall pay to the council out of moneys provided by Parliament an annuity for fifteen years equivalent to the difference between the sum so certified by the Department as aforesaid with respect to the loan, and the value of the annuity which would have been payable to the Department by the council had the loan been made by the said Board, and had interest been payable thereon at the rate of five per cent.;

(*d*) If the amount which under the foregoing provisions of this section would have been payable by any council in any year in respect of sums so certified by the Department if all those sums had been on account of loans by the Scottish Board of Health and had been repayable by means of an annuity equal to one-fifteenth part of the certified sums exceeds the amount which

would be produced by a rate of sevenpence and one-fifth of a penny in the pound levied on the reduced rateable value (within the meaning of Part III of this Act) of the county or large burgh, such adjustments shall be made between the Department and the council as will secure that the amount of the excess is not required to be defrayed by the council.

(2) The foregoing provisions of this section shall not apply to any such loan raised by a parish council after the twelfth day of November, nineteen hundred and twenty-eight, and in such case the council to whom liability for the loan is transferred shall make the payments due in respect of capital of and interest on the loan in accordance with the terms of the contract of borrowing.

(3) Where a parish is not wholly comprised within one county or large burgh, the liability of the parish council for any such loan as aforesaid shall be apportioned between the several counties and large burghs in proportion to the unreduced rateable value (within the meaning of Part III of this Act) of the parts of the parish comprised therein, and the foregoing provisions of this section shall apply as if the part of a loan apportioned to any county or large burgh were a loan the liability for which was transferred to the council thereof.

District Councils.

Division counties into districts and establishment of district councils.

25.—(1) For the purposes of the provisions of this Act relating to district councils, the reconstituted county council of every county shall, on or before the first day of February, nineteen hundred and thirty, prepare and submit to the Secretary of State for his approval a scheme (in this section called a "district council scheme") dividing the landward part of the county into districts in such manner that each district shall comprise one or more electoral divisions, and the provisions of subsections (1), (8), (9) and (10) of section fourteen of this Act shall with the necessary modifications apply to schemes under this subsection and any new scheme altering the boundaries of a district may make provision for financial adjustments, and for doing anything which may be required or be expedient for the proper carrying into effect of the new scheme.

(2) There shall be established for every district a district council which shall consist of the number of members specified in the district council scheme. The members of the county council for the electoral divisions within the district shall be ex-officio members of the district council, and the other members of the district council shall be elected for the electoral divisions within the district or for wards forming part thereof as may be provided in the scheme.

(3) The first election of members of the district council shall take place on the eighth day of April, nineteen hundred and thirty, and the members so elected shall hold office until the next election of members, which shall take place on the first Tuesday of December, nineteen hundred and thirty-two.

(4) For the purposes of the first election of members of district councils, the statutory provisions regulating the election of county councillors in landward parts of counties shall apply, subject to such modifications and adaptations as the Secretary of State may by order prescribe, and for the purposes of the second and subsequent elections of members of district councils the statutory provisions regulating the election of parish councillors in landward parishes and the landward parts of parishes (including the provisions of section eighteen of the Act of 1894) shall apply, subject to such modifications and adaptations as the Secretary of State may by order prescribe, and such orders shall provide that the expenses of elections of district councils shall be repaid to the county councils by the district councils.

(5) In the case of each of the counties of Kinross and Nairn, the provisions of this section shall not apply unless the council of the county so determine, and, if the county council do not so determine, references in this Act to a district council and to the district of a district council shall be respectively construed as references to the county council and to the county : Provided that, where the county council shall, after the commencement of this Act, determine that the provisions of this section shall apply, the scheme shall make the like provision as in the case of a new scheme altering the boundaries of a district.

Provisions relating to district councils

26.—(1) Every district council shall be incorporated under the name of the district council of the district, and any deed or other document shall be deemed to have been duly executed by the district council if signed on their behalf by two members and the clerk.

(2) Every district council shall appoint a clerk, who shall hold office during the pleasure of the council and be paid such reasonable salary as the council may think proper.

(3) The provisions of the Act of 1894 applicable to parish councils with respect to meetings, conduct of business, quorum, filling of casual vacancies, the chairman of the council and of meetings, disqualification of councillors, appointment of committees, payments and receipts, budget and absence of councillors from meetings, shall, with the necessary modifications, apply to district councils and the members thereof, and the provisions of section thirty-one and subsection (2) of section thirty-eight of the said Act (which respectively relate to the use of schoolrooms and returns to the Secretary of State as to outstanding loans) shall, with the necessary modifications, apply in the case of district councils and the electors thereof as they apply in the case of parish councils and the parish electors.

(4) The provisions of sections sixty-eight of the Act of 1889 (relating to the accounts of county councils) and the provisions of the Third Schedule to this Act (relating to the audit of accounts of county councils and town councils) shall, with the necessary modifications, apply in the case of district councils.

(5) The special parish rate leviable under Part IV of the Act of 1894 shall after the commencement of this Act be termed the district council rate, and all expenses falling to be met by a district council, whether under Part IV of the Act of 1894 or otherwise, shall be defrayed out of the district council rate.

(6) The limit on the district council rate shall be one shilling in the pound instead of sixpence in the pound, and subsection (1) of section twenty-seven of the Act of 1894 shall have effect accordingly.

(7) Every district council shall annually ascertain the amount required for the purposes of their powers

and duties under the Acts of Parliament administered by them and shall, on or before the fifteenth day of July in each year, certify to the county council the amount required to be provided for these purposes by the county council, and the county council shall, subject to the limit aforesaid, levy within the district a district council rate of such amount as is necessary to provide the amount specified in the certificate, and shall collect and recover the rate and from time to time, as they collect it and at such intervals as the county council and the district council may agree, and, failing agreement, as the Secretary of State may determine, pay over to the district council the amount collected up to the amount specified in the certificate and, so far as the amount specified in the certificate has not been paid over by that time, the county council shall annually on the first day of May pay over the balance to the district council, notwithstanding that it has not been collected, and may borrow for the purpose.

Any surplus relating to the district council rate in the hands of the county council which may arise in any one year shall be applied for the purposes of the ensuing year, and in like manner any deficiency which may occur in any year shall be included in the rate for the ensuing year.

(8) A district council may make byelaws for preserving and regulating any recreation ground, common, bleaching green, open space, or other place of public resort or recreation within the district and not under the control of any other local authority and for regulating the use of the same and for ensuring good order in the use thereof, and the provisions of sections one hundred and eighty-three to one hundred and eighty-seven of the Public Health (Scotland) Act, 1897 (which relate to byelaws made under that Act), shall apply to byelaws made under this subsection.

3 Edw. 7. c. 33.

(9) Section fifty-nine of the Burgh Police (Scotland) Act, 1903 (which relates to byelaws for commons, &c., beyond burgh boundaries), shall have effect with the substitution of a reference to the consent of the district council for any reference to the consent of the county council.

Miscellaneous.

Provision for treatment of sick persons.

27.—(1) It shall be competent for the county council of a county or the town council of a large burgh to submit for the approval of the Department of Health a scheme for the reorganisation of the hospital facilities at the disposal of the council, with a view to the provision of treatment for sick persons residing within their area, and the Department before giving their approval shall have regard to any other facilities for treatment of any such sick persons, including those provided by any voluntary hospital or other institution.

(2) It shall also be competent for any such council as aforesaid to make a representation to the Department of Health that the hospital facilities available are inadequate for the reasonable requirements of sick persons residing within their area, and to submit a scheme for the extension of such facilities, and the Department, before approving such scheme, shall satisfy themselves by inquiry that hospital accommodation at the disposal of the council, together with the accommodation provided by voluntary hospitals or other institutions, is not reasonably adequate for the needs of the inhabitants of the area, and that the council have taken reasonable steps to seek and to continue to secure full co-operation with every voluntary hospital, university, or medical school within or serving the area of the council.

(3) The Department of Health may approve any scheme under this section either as submitted or with such modifications and amendments as they may think proper.

(4) Where a scheme, with or without modification or amendment, has been approved by the Department of Health, it shall be lawful for the county council or town council in accordance with the scheme as approved to provide, furnish, and maintain for the accommodation of sick persons residing within their area hospitals, temporary or permanent, and houses of reception for convalescents, and for that purpose to—

(*a*) themselves supply such hospital or houses; or

(*b*) contract for the use of any such hospital or house; or

(*c*) enter into any agreement with any person having the management of any such hospital

or house, or part thereof, on payment of such annual or other sum as may be agreed on; or

(*d*) utilise any hospital or house or other building belonging to them.

(5) Two or more such councils as aforesaid may submit a scheme to the Department of Health for the provision by one of these councils of hospital facilities for the sick persons residing within the area of the other council or councils and, on the scheme being approved by the Department, each of the councils concerned shall have all powers necessary for carrying the scheme as approved into effect, provided that the provisions of subsection (2) of this section so far as relating to the approval of the Department shall apply with any necessary modification to any such scheme which involves the erection of additional accommodation.

(6) For the purposes of this section, hospital facilities, so far as the same may be provided by a council, shall include arrangements with respect to the provision of treatment.

(7) All statutory provisions relating to hospitals for infectious diseases shall, with the necessary modifications, apply to hospitals and other buildings provided under or in pursuance of this section, and any expenses incurred by a council under or in pursuance of this section shall be defrayed by the council in like manner as expenses under the Public Health (Scotland) Act, 1897.

(8) A scheme made under this section may be revoked or varied by a subsequent scheme.

Recovery of expenses of treatment of sick.

28.—(1) It shall be lawful for the county council of every county and the town council of every large burgh to recover from any person who has been maintained by them in any institution (other than as an inmate of an institution for the purpose of receiving treatment for infectious disease), or from any person legally liable to maintain that person, a reasonable charge in respect of the expenses incurred by the council in the maintenance and treatment of that person, or, if the council are satisfied that the person from whom such charge is recoverable is unable, by reason of circumstances other than his own default, to pay the whole of such charge such part thereof, if any, as he is in the opinion of the council able to pay.

(2) For the purpose of this section "institution" means any hospital, maternity home, or other residential institution.

(3) Nothing in this section shall affect any right which a council may have under any enactment or otherwise to recover expenses other than the charge in respect thereof to which the foregoing provisions of this section apply.

Power of councils to expend money on public health propaganda.

29. It shall be lawful for any county council or for the town council of a large burgh to incur expenditure in making contributions to the central council or committee of an organisation approved by the Department of Health which provides services of the nature of publicity or educational propaganda for any purpose relating to public health, or in the provision by themselves of such services.

Amendment as to disqualification for pensions under 9 & 10 Geo. 5. c. 102, and 15 & 16 Geo. 5. c. 70.

30.—(1) A person who has become an inmate of any poor law institution for the purpose of obtaining medical or surgical treatment shall not, so long as he continues to require such treatment, be disqualified on the ground only that he is such an inmate, for receiving or continuing to receive an old age pension under the Old Age Pensions Acts, 1908 to 1924, or under the Widows', Orphans', and Old Age Contributory Pensions Act, 1925, and accordingly subsection (1) of section three of the Old Age Pensions Act, 1919, and paragraph one of the Third Schedule to the Widows', Orphans', and Old Age Contributory Pensions Act, 1925, shall have effect as if the words "during a period of three months "from the date on which he became such an inmate "if he," were omitted therefrom, and as if after the words "so long," there were inserted the words "as he."

(2) This section shall come into operation on the first day of April, nineteen hundred and thirty.

Religious instruction in schools.

31.—(1) It shall not be lawful for a county council or for the town council of a burgh being a county of a city to discontinue the provision of instruction in religion in terms of section seven of the Education (Scotland) Act, 1918, unless and until a resolution in favour of such discontinuance duly passed by the council has been submitted to a poll of the local government electors for the county or burgh taken for the purpose, and has been approved by a majority of electors voting thereat.

(2) A poll under the foregoing subsection shall be by ballot and shall be taken in accordance with rules to be made by the Secretary of State, which rules may apply with any necessary modifications any enactments relating to parliamentary or local government elections.

Settlement and irremovability.

32.—(1) The settlement of a person shall, instead of being ascertained by reference to a parish as under the existing law, be ascertained by reference to a county or large burgh.

(2) In the case of a parish which is situated within the areas of two or more transferee authorities, a person shall be deemed to have a settlement in the area of that transferee authority within which the portion of the parish from which his settlement is derived is situated, and where the settlement of a person within a parish is derived partly from residence in a part of the parish within the area of one transferee authority and partly from residence in a part of the parish within the area of another transferee authority, the area of the transferee authority within which the person resided at the time he acquired a settlement by residence in the parish shall be deemed to be the area within which he has his settlement.

(3) The foregoing provisions of this section shall, with the necessary modifications, apply as respects the status of irremovability under the Poor Law Acts as they apply as respects settlement.

Provisions as to special districts.

33.—(1) Where it appears to a county council that the financial burden imposed or likely to be imposed upon a special district within the county is more than it can reasonably be expected to bear unaided, the county council may agree to contribute towards the expenses of the special district such sum as appears to them equitable, and such contribution so far as defrayed out of rates shall be defrayed out of the public health general assessment so far as leviable within the landward part of the county, notwithstanding any statutory provision whereby a special district shall not be liable to assessment for the expenses of supplying to any other part of the county the service for the purposes of which the district was constituted.

(2) Where provision is made by any enactment for a local authority taking steps for the purpose of

forming a special district or otherwise upon receiving a requisition, the authority may, on passing a resolution to that effect, proceed as if they had received a requisition for the purpose, and the enactment relating to the requisition shall have effect subject to the necessary modifications.

Provisions for failure of local authorities with respect to water supply, &c.

34.—(1) Where the Department of Health after a local inquiry are satisfied that the local authority of any area (in this section referred to as the "defaulting authority") have failed to discharge their functions with respect to the provision of a water supply, or of sewers or drains, or with respect to housing, or have failed to discharge any other functions relating to public health, the Department may by order authorise any other local authority to discharge, for such period as the order may prescribe, the functions of the defaulting local authority which that authority have failed to discharge, and any expenses incurred by the other authority in so doing shall be a debt due by the defaulting authority to the other authority:

Provided that the defaulting local authority may appeal to the Department against any excessive and unreasonable expenditure of the other authority, and the Department if satisfied that there has been excessive and unreasonable expenditure may reduce the sum payable by the defaulting authority to the other authority by such amount as they think proper.

(2) Any sum payable by the defaulting authority to the other authority under this section in respect of expenses shall be defrayed by the defaulting authority in like manner as if the expenses had been incurred by that authority.

(3) Any expenses incurred by the other authority under this section shall be defrayed in such manner as the order may prescribe.

Medical officers of health and sanitary inspectors.

35.—(1) On any vacancy arising after the commencement of this Act in the post of medical officer of health being the officer of the town council of a small burgh then, unless in any particular case the Department of Health otherwise agree, the medical officer of health being the officer of the county council of the county within which the burgh is situate, shall be appointed

to the post, and the town council of such burgh shall pay to the county council such proportion of the salary and expenses of such officer as the county council and the town council may agree, and, failing agreement, as may be determined by the Department.

(2) Except with the sanction of the Department of Health, no person shall, after the commencement of this Act, be appointed sanitary inspector of a county or burgh unless he possesses such qualifications as may be prescribed by the Department of Health.

Provisions for increase of town councillors in large burghs.

36.—(1) The provisions of the Town Councils (Scotland) Act, 1900, with regard to the alteration of the number of magistrates and councillors in burghs and to the number of councillors in each ward, and to the division or redivision into wards shall cease to have effect as regards any large burgh, and it shall be lawful for the Secretary of State on the representation of the town council of any large burgh by order to determine or alter the number of councillors and magistrates of the burgh, or the number and boundaries of the wards into which the burgh is divided, or the number of councillors to be elected for each ward, and to apportion the existing councillors or any increased or decreased number of councillors among the wards, and where under any such order the number of councillors for any ward is a number other than three or a multiple of three the order shall make such modification of the provisions of the said Act of 1900 with regard to the retirement of councillors as may be necessary to make these provisions conform to the order.

(2) A reference in the foregoing subsection to any provision in the Town Councils (Scotland) Act, 1900, shall be deemed to include a reference to any corresponding provision in a local Act.

(3) The number of councillors and magistrates to be elected in each large burgh and the number and boundaries of wards into which any such burgh is divided shall, unless and until determined or altered under the foregoing provisions of this section remain the same as under the law existing at the passing of this Act.

(4) This section shall come into operation on the first day of October, nineteen hundred and twenty-nine.

Provision as to alteration of register of electors where electoral divisions or wards are altered.

37.—(1) Where any order made under this Act determining or altering the boundaries of electoral divisions in a county or of wards in a burgh, or dividing a burgh into wards or where a scheme providing for the election of district councillors for wards of electoral divisions involves an alteration of the area of any registration unit within the meaning of the Representation of the People Acts the Secretary of State may by order make such provision as may be necessary with regard to the register of electors to be used at any election of county, town or district councillors for any electoral division or ward affected by such alteration in the area of the registration unit.

(2) This section shall come into operation on the first day of October, nineteen hundred and twenty-nine.

Reports and returns.

38. The council of every county or burgh or district and every joint committee or joint board appointed by two or more such councils as aforesaid shall make to the Central Department such reports and returns and give them such information with respect to their functions as the Central Department may require.

Repeal of 5 Edw. 7. c. 18.

39. The Unemployed Workmen Act, 1905, in so far as it relates to Scotland, shall be repealed, but the Department of Health may, on the repeal taking effect, make such orders as were by section eight of that Act authorised to be made on the expiration of the period for which it was to continue in force, and any such order may provide for applying, subject to the necessary adaptations, to officers appointed under the said Act, any of the provisions of this Act as to the transfer of and compensation to officers.

Power of local authorities to appropriate property.

40. A local authority may, on such terms and conditions as may be determined by them, appropriate for any statutory purpose property vested in them for any other statutory purpose: Provided that in the case of lands and heritages such appropriation may be made only with the consent of the Secretary of State.

Amendment of the Public Libraries Acts.

41.—(1) The Public Libraries Acts shall not be adopted in a landward parish or the landward part of a parish except with the sanction of the county council.

(2) Every estimate of sums required by a committee under the Public Libraries Acts shall be subject to the

approval of the town council or county council as the case may be.

Provision as to inquiries.

42.—(1) The provisions of section ninety-three of the Act of 1889 (relating to local inquiries, &c.) shall apply to any inquiry under this Act or which a Central Department considers necessary or proper for the purposes of this Act subject to the following and any other necessary modifications—

(*a*) references to the Secretary of State shall be construed as references to the Central Department;

(*b*) "five guineas" shall be substituted for "three guineas."

(2) This section shall come into operation on the first day of October, nineteen hundred and twenty-nine.

County clerk depute.

43. A county clerk may appoint one or more persons approved by the county council to act as his depute or deputes, and all things required or authorised by law to be done by or to the county clerk may be done by or to any depute county clerk so appointed.

PART II.

RATING OF AGRICULTURAL, INDUSTRIAL AND FREIGHT TRANSPORT LANDS AND HERITAGES.

Rateable value of agricultural lands and heritages.

44.—(1) For the purposes both of the owner's and of the occupier's share of rates as hereinafter defined, the annual value of agricultural lands and heritages shall be arrived at by deducting from the gross annual value, in lieu of the amount specified in the Act of 1926, an amount representing eighty-seven and one-half per cent., and accordingly the First Schedule to the Act of 1926 shall for the purposes of such rates have effect as if paragraph 14 and the words in the first column of paragraph 13 "for the purposes of the owner's share of rates" were omitted, and as if for the words in the second column of paragraph 13 "twenty-five per cent." there were substituted the words "eighty-seven and one-half per cent.," and any reference to the said Schedule in any Act or in any order made under the Act of 1926 shall be construed as a reference to the said Schedule as so amended.

(2) The rateable value of agricultural lands and heritages shall be the value ascertained in accordance with the foregoing subsection subject to any adjustment required in accordance with subsection (7) of section twelve of the Act of 1926 or section forty-five of the Burgh Police (Scotland) Act, 1903, or any corresponding provision of a local Act, and notwithstanding anything in the Act of 1926 as amended by the Rating and Valuation (Apportionment) Act, 1928, the net annual value of agricultural lands and heritages shall be taken to be the gross annual value subject to any such adjustment as aforesaid. 18 & 19 Geo. 5. c. 44.

(3) No owner or occupier of agricultural lands and heritages shall by reason only of the foregoing provisions of this section be required to pay in respect of such lands and heritages any water rate leviable under a local Act on a higher annual value than that on which he would have been required to pay if the said provisions had not been enacted.

(4) Subsection (1) of section twenty-nine of the Act of 1926, in so far as it directs that for the purpose of any apportionment between rating authorities the rateable value of agricultural lands and heritages shall be taken to be one-half of the gross annual value, shall cease to have effect.

(5) The definition of "agricultural lands and heritages" contained in the Rating and Valuation (Apportionment) Act, 1928, shall be substituted for the definition thereof contained in the Act of 1926.

Rateable value of industrial and freight transport lands and heritages.

45.—(1) The annual value of any industrial or freight transport lands and heritages so far as occupied and used or treated as occupied and used for industrial or freight transport purposes shall be—

(*a*) for the purpose of any rate leviable under a public general Act with respect to which no special provision is made in any local Act a sum arrived at by dividing the net annual value by four, which sum shall be the rateable value; and

(*b*) for the purpose of any rate leviable under a local Act or under a public general Act with respect to which special provisions are made in a local Act a sum arrived at by dividing by four the annual value on which such rate would be leviable if this Act had not passed:

Provided that in each of the foregoing cases where the value directed to be divided is arrived at after adjustment in accordance with subsection (7) of section twelve of the Act of 1926, or section forty-five of the Burgh Police (Scotland) Act, 1903, or any corresponding provision of a local Act, the division directed by this section shall be made before such adjustment, and such adjustment shall thereafter be made.

(2) Where provision is made by a local Act for rates being levied in respect of lands and heritages belonging to any undertaking at a reduced rate per pound or upon a reduced valuation of the lands and heritages or other provisions are made by such an Act in consequence of the undertaking providing services which would otherwise have been provided by the local authority, the Secretary of State may, on application by the local authority or by the undertaking, by order make such modifications or amendments of the provisions of the local Act as are equitable in the circumstances, and the provisions of subsections (5) and (6) of section twelve of the Act of 1926 (relating to the procedure with respect to orders thereunder) shall apply with respect to orders made under this subsection.

Amendment of 18 & 19 Geo. 5. c. 44.

46.—(1) For the purposes of the Rating and Valuation (Apportionment) Act, 1928, lands and heritages shall not be deemed not to be occupied and used as a factory or workshop by reason only of the fact that the owner or occupier of the lands and heritages is the only person working therein or that no other person working therein is in his employment.

(2) For the purposes of the Rating and Valuation (Apportionment) Act, 1928, the following lands and heritages shall be deemed to be industrial lands and heritages occupied and used wholly for industrial purposes, that is to say:—

(*a*) Salmon fishings, so far as the right thereto is exercised by net or cruive, where such right of fishing by net or cruive is regularly exercised throughout that part of the year during which that method of fishing is permitted by law and where no revenue is derived by the owner or occupier from any other method of fishing in the said part of the year;

(*b*) Minerals which are let notwithstanding that they are not being worked at the time.

47.—(1) Every occupier of agricultural lands and heritages occupying under a lease entered into prior to the first day of June, nineteen hundred and twenty-eight, shall be entitled, on the fifteenth day of May in each year to recover from the owner thereof by retention out of rent or otherwise a sum equal to the amount of the owner's share of the rates in respect of such lands and heritages payable for the year beginning on the sixteenth day of May, nineteen hundred and thirty, multiplied by two and one-half. Adjustments as to rating relief between landlords and tenants.

(2) Any sum recovered in pursuance of the foregoing subsection from the owner of an agricultural holding shall be included among the amounts directed by subsection (6) of section twelve of the Agricultural Holdings (Scotland) Act, 1923, to be deducted from the rent for the purpose of calculating compensation under that section. 13 & 14 Geo. 5. c. 10.

(3) Every landholder and every statutory small tenant within the meaning of the Small Landholders (Scotland) Acts, 1886 to 1919, who is in occupation or who is the statutory successor of a landholder or statutory small tenant in occupation of a holding on the first day of June, nineteen hundred and twenty-eight, shall, so long as he remains in occupation of such holding, be entitled on the fifteenth day of May in each year to recover from the owner thereof by retention out of rent or otherwise a sum equal to the owner's share of the rates in respect of such holding payable for the year beginning on the sixteenth day of May, nineteen hundred and thirty, multiplied by two and one-half. This subsection shall cease to have effect as regards any holding on the day following the first term of Whitsunday or Martinmas next succeeding the decision of the Land Court on an application for alteration of the fixed rent or in the case of a landholder, on the expiry of the period of seven years from the first day of June, nineteen hundred and twenty-eight, if during that period no such decision has been given.

(4) Every occupier of industrial lands and heritages occupying under a lease entered into prior to the first day of June, nineteen hundred and twenty-eight, shall be entitled on the fifteenth day of May in each year to recover from the owner thereof by retention out of rent or otherwise a sum equal to the owner's share of

the rates in respect of such lands and heritages payable for the year ending on the said fifteenth day of May multiplied by three.

(5) Any sum recovered from the owner of any lands and heritages in pursuance of the foregoing provisions of this section shall not be taken into account in ascertaining the gross annual value of the lands and heritages, but such owner shall be deemed to be charged therewith for the purposes of the Income Tax Acts.

(6) For the purposes of this section, a lease shall be deemed to have been entered into on the date of the term of entry thereunder, and the expression "lease" means a letting or agreement for letting for a term of years or for lives or for lives and years or from year to year, and an occupier holding under tacit relocation following on a lease shall be deemed to be occupying under that lease, provided that this section shall not in the case of an occupier holding from year to year or under tacit relocation have effect after the expiry of seven years from the sixteenth day of May, nineteen hundred and twenty-eight.

Relief to occupiers of agricultural lands and heritagesnot to be taken account of for certain purposes.

48. Neither the relief to occupiers of agricultural lands and heritages effected by this Act or by the Agricultural Rates Act, 1923, as amended by the Act of 1926, nor the amounts recoverable by occupiers from owners under section forty-seven of this Act, shall be taken into account by the Land Court in fixing a fair or equitable rent for a holding under the Small Landholders (Scotland) Acts, 1886 to 1919, or by an arbiter in determining for the purposes of section twelve of the Agricultural Holdings (Scotland) Act, 1923, what rent is properly payable in respect of a holding.

13 & 14 Geo. 5. c. 39.

Provisions as to valuation roll.

49.—(1) Subsection (1) of section fourteen of the Act of 1926 (which section contains provisions as to the valuation roll), shall have effect as if after the words "said Acts show" there were inserted the words "the net annual value and also," and as if the words "and the amount of any deduction from the gross annual value for the purpose of ascertaining the rateable value" were omitted.

54 & 55 Vict. c. 52.

(2) Where a domestic water rate is leviable within a district under the Public Health (Scotland) Amendment Act, 1891, in respect of any agricultural lands and

heritages, then either the valuation roll for the district, made up in accordance with the provisions of the Lands Valuation (Scotland) Act, 1854, shall, in addition to the other particulars required, show what would have been the rateable value of the said agricultural lands and heritages if this Act (other than subsection (5) of section forty-four) had not passed, or a supplementary valuation roll in such form as the Secretary of State may by order prescribe shall be made up, showing what would have been the rateable value of such agricultural lands and heritages if this Act (other than as aforesaid) had not passed, and the provisions of the said Act of 1854 shall apply accordingly with respect to the further particulars included in the valuation roll or with respect to the supplementary valuation roll, as the case may be. 17 & 18 Vict. c. 91.

(3) As from the sixteenth day of May, nineteen hundred and thirty, the assessor of a county in making up the valuation roll of the county shall distinguish in the roll lands and heritages situated within the boundaries of each district of a district council.

(4) For the purpose of any apportionment of expenses between rating authorities according to the valuation roll for the year beginning on the sixteenth day of May, nineteen hundred and twenty-nine, the rateable valuation of the area of a rating authority shall be ascertained as if the rateable value of agricultural lands and heritages in that roll had been ascertained in accordance with the provisions of section forty-four of this Act instead of in accordance with the provisions of section fifty of this Act; and there shall be included in the said valuation roll in the case of each area for the purposes of which lands and heritages situated therein require to be distinguished a note showing what the rateable valuation of the area would have been had the rateable value of the agricultural lands and heritages therein been ascertained in accordance with the said section forty-four.

Commencement and provision for the year 1929–30.

50. The provisions of this Part of this Act shall come into operation on the sixteenth day of May, nineteen hundred and twenty-nine, and as regards the year beginning on the said day shall have effect subject to the following modifications:—

(i) The rate of deduction from the gross annual value of agricultural lands and heritages shall

be for the purposes both of the owner's and of the occupier's share of rates, ninety-two per cent.

(ii) The provisions with regard to the rateable value of industrial and freight transport lands and heritages shall have effect as if in lieu of any direction to divide a value by four there were substituted a direction to multiply such value by eight and divide it by fifteen.

(iii) The sum recoverable under subsection (1) or subsection (3) of section forty-seven of this Act from the owner of agricultural lands and heritages or of a holding shall be a sum equal to the amount of the owner's share of the rates for the said year in respect of the said lands and heritages multiplied by four, and the sum recoverable under subsection (4) of the said section from the owner of industrial lands and heritages shall be seven-eighths of the amount of the owner's share of the rates for the said year in respect of the said lands and heritages.

(iv) For the purposes of any requisition or certificate issued in respect of the said year, every county council, district board of control, education authority and parish council and other body issuing such requisition or certificate shall proceed in all respects as if this Act had not been passed, and the county council or town council or other authority to whom the requisition or certificate has been issued shall make payment accordingly.

Construction.

51. The provisions of this Part of this Act shall be construed as one with the Act of 1926.

PART III.

EXCHEQUER GRANTS AND OTHER FINANCIAL PROVISIONS.

Discontinued Grants.

Discontinuance of grants.

52.—(1) The grants set out in the Fifth Schedule to this Act (in this Act referred to as "the discontinued grants") shall cease to be payable—

(*a*) as regards the grants payable into the Local Taxation (Scotland) Account in respect of any

period after the thirty-first day of March, nineteen hundred and thirty; and

(*b*) as regards the other grants in respect of any period after the fifteenth day of May, nineteen hundred and thirty.

(2) As soon as may be after the thirty-first day of March, nineteen hundred and thirty, the Local Taxation (Scotland) Account shall be wound up in accordance with such directions as the Treasury may give.

(3) The provisions set out in the Sixth Schedule to this Act shall, as from the first day of April, nineteen hundred and thirty, have effect with respect to the payments therein mentioned, being payments which immediately before the said day, were payable out of the Local Taxation (Scotland) Account.

(4) In calculating the amount of sums estimated to be expended and the amount of the sums actually expended in any year from the vote for education in England and Wales for the purposes of paragraph (ii) of subsection (1) of section twenty-one of the Education (Scotland) Act, 1918, no account shall be taken of the sum included in the amounts aforesaid in lieu of the sum of eight hundred and seven thousand two hundred and sixty pounds hitherto paid out of the Local Taxation Account for the purposes of higher education in England.

General Exchequer Contributions.

Payment of General Exchequer Contributions.

53.—(1) There shall be paid out of moneys provided by Parliament in respect of the year beginning on the sixteenth day of May, nineteen hundred and thirty, and each subsequent year, an annual contribution towards local government expenses in counties and large burghs to be called the "General Exchequer Contribution."

(2) The amount of the General Exchequer Contribution shall be periodically revised. The amount first fixed shall be for a period of three years beginning on the sixteenth day of May, nineteen hundred and thirty, the amount fixed on the first revision shall be for a period of four years from the expiration of the first period, the amount fixed on any subsequent revision shall be for a period of five years from the expiration of the previous period, and a period for which the General Exchequer Contribution is so fixed is hereinafter referred to as a "fixed grant period."

(3) The amount of the General Exchequer Contribution shall be the sum of the following amounts, that is to say :—

(*a*) an amount equal to the total losses on account of rates of all counties and large burghs;

(*b*) an amount equal to the total losses on account of grants of all counties and large burghs;

(*c*) in respect of each year in the first fixed grant period seven hundred and fifty thousand pounds, and in respect of each year of every following fixed grant period such amount as Parliament may hereafter determine with respect to the fixed grant period so, however, that the proportion which the General Exchequer Contribution for any fixed grant period bears to the total amount of rate and grant borne expenditure in the penultimate year of the preceding fixed grant period shall never be less than the proportion which the General Exchequer Contribution for the first fixed grant period bore to the total amount of rate and grant borne expenditure in the first year of that fixed grant period; in the foregoing provisions of this paragraph—

(i) "rate and grant borne expenditure" means the local expenditure which fell to be borne by rates and by grants made under this Part of this Act out of the General Exchequer Contribution; and

(ii) if as respects any fixed grant period the Secretary of State certifies that the amount of rate and grant borne expenditure in the penultimate year of that fixed grant period was abnormally increased by reason of any emergency involving the issue of a proclamation under the Emergency Powers Act, 1920, there shall be deemed to be substituted for the reference to the penultimate year of the preceding fixed grant period a reference to the last year preceding the said penultimate year in which no such abnormal expenditure was incurred.

10 & 11 Geo. 5. c. 55.

Payments out of Road Fund

54.—(1) Towards the General Exchequer Contribution there shall at such times and in such manner as the

Treasury may direct be paid out of the Road Fund in respect of the year beginning the first day of April, nineteen hundred and thirty, and each subsequent year an annual contribution amounting to the sum of the following amounts, that is to say— towards General Exchequer Contribution.

(*a*) a sum equal to the certified amount of discontinued road grants for the standard year; and

(*b*) in respect of each year in the first fixed grant period, eleven ninety-first parts of the sum of three million pounds, and in respect of each year of each following fixed grant period, such sum as Parliament may hereafter determine with respect to the fixed grant period;

and any sum so payable out of the Road Fund shall, in accordance with regulations made by the Treasury, be applied as an appropriation in aid of the moneys provided by Parliament for the purposes of the General Exchequer Contribution.

(2) So much of section two of the Roads Act, 1920, as provides for the payment in every year to the Local Taxation (Scotland) Account out of the sum to be issued out of the Consolidated Fund under that section, of the sum of sixty-four thousand and one pounds seventeen shillings, shall as from the first day of April, nineteen hundred and thirty, cease to have effect. 10 & 11 Geo. 5. c. 72

In respect of the years beginning on the first day of April, nineteen hundred and twenty-eight and nineteen hundred and twenty-nine, there shall be charged on the Consolidated Fund or the growing produce thereof and paid thereout to the Road Fund in addition to sums paid into that fund under subsection (3) of the said section two a sum of sixty-four thousand and one pounds seventeen shillings. The provisions of this paragraph shall come into operation on the passing of this Act.

55.—(1) The General Exchequer Contributions shall be apportioned amongst the several counties and large burghs in manner hereinafter following, that is to say :— Apportionment of General Exchequer Contributions.

(*a*) during the first four fixed grant periods there shall out of the General Exchequer Contribution for each year be allocated to each county or

large burgh an amount equal to the appropriate percentage of the losses on account of rates and grants of the county or burgh;

(*b*) during the first four fixed grant periods the residue, and thereafter the whole, of the General Exchequer Contribution, shall each year be apportioned amongst the several counties and large burghs in proportion to their weighted populations.

(2) The amount apportioned under this section to a county shall be called "the county apportionment" and the amount so apportioned to a large burgh shall be called "the burgh apportionment."

Grants to Counties.

General Exchequer Grants to counties.

56. Out of the county apportionment of every county there shall be set aside such amount as will be sufficient to pay—

(1) to the councils of small burghs situate within the county; and

(2) to the county council for behoof of the landward area of the county

the sums hereinafter directed to be so set aside; and the residue of the county apportionment after such sums as aforesaid have been so set aside shall be paid to the county council and shall be called "the General Exchequer Grant" of that council:

Provided that, if in the case of any county the county apportionment is less than the amount to be so set aside, the deficiency shall be paid out of the moneys provided by Parliament, and the sums so paid shall be treated as part of the county apportionment.

Additional Exchequer Grants to counties.

57.—(1) As respects the first fixed grant period, if in the case of any county the county apportionment falls short of an amount arrived at by adding to the standard sum a sum equivalent to one shilling per head of the estimated population of the county for the standard year, there shall in respect of each year of that fixed grant period be paid out of moneys provided by Parliament to the county council a sum equal to the deficiency.

(2) As respects each subsequent fixed grant period, if in the case of any county the county apportionment falls short of the standard sum increased by the greater of the two following sums, that is to say—

(*a*) a sum equivalent to one shilling per head of the estimated population of the county for the appropriate year;

(*b*) a sum equivalent to one-third of the excess of the county apportionment for the period in question over what would have been the county apportionment for the period in question had the General Exchequer Contribution for that period been the same as the General Exchequer Contribution for the first fixed grant period;

there shall in respect of each year of the fixed grant period in question be paid out of moneys provided by Parliament to the council of the county a sum equal to the deficiency.

(3) For the purposes of this section, the standard sum as respects any county shall be the amount of the loss on account of rates and grants of that county, so, however, that—

(*a*) if, for the fixed grant period in question the General Exchequer Contribution is less than the General Exchequer Contribution for the first fixed grant period, the standard sum shall be the said amount reduced proportionately to such diminution in the General Exchequer Contribution;

(*b*) if, for the fixed grant period in question the weighted population of the county is less than the weighted population of the county for the first fixed grant period adjusted as regards unemployment, the standard sum shall be the said amount reduced (or if a reduction therein has been made under paragraph (*a*) of this subsection, that reduced amount further reduced) proportionately to such diminution in weighted population.

(4) In this section the expression "adjusted as regards unemployment" means calculated as if the appropriate multiple mentioned in Rule 2 of Part III of the Seventh Schedule to this Act had been the multiple

appropriate to the fixed grant period in question, and not the multiple appropriate to the first fixed grant period.

(5) The sum payable out of moneys provided by Parliament to a county council under this section in respect of any year shall be called the "Additional Exchequer Grant" of that council.

Grants to Small Burghs, &c.

General Exchequer Grants to small burghs, &c.

58.—(1) The sum to be set aside out of the county apportionment for payments to the councils of small burghs and to the county council for behoof of the landward area shall be such sum as is required to provide for each such burgh within the county, and for the landward area a sum calculated for each fixed grant period in accordance with the rules set out in Part IV of the Seventh Schedule to this Act upon the basis of the estimated population of the burgh or landward area, as the case may be, together with such sums as are under the section of this Act next following required to be so set aside.

(2) There shall be paid in respect of each year to the council of a small burgh and to the county council for behoof of the landward area the sums so set aside in respect of the burgh or landward area, and the sum so payable to the council of the burgh shall be called the General Exchequer Grant of that council, and the sum so payable to the county council for behoof of the landward area shall be called the Landward General Exchequer Grant.

Compensation for losses on account of special rates.

59.—(1) Where in the standard year a special rate is levied in any area within a county, the loss on account of that rate shall be ascertained in accordance with the rules set out in Part I of the Seventh Schedule to this Act, and—

(*a*) the sum to be set aside out of the county apportionment in respect of the landward area and payable to the county council for behoof of the landward area shall in respect of each year during the first four fixed grant periods be increased by a sum equal to the appropriate percentage of the loss on account of the special rate incurred by the area within which the special rate is leviable; and

(*b*) there shall be allocated to the landward area by the county council out of the General and Additional Exchequer Grants payable to that council in each year during the first and second fixed grant periods a sum equal to twenty-five per cent. of that loss, and thereafter such sum as the county council may determine.

(2) Any sum paid or allocated under this section shall be applied by the county council to such purposes and in such manner as may be prescribed.

Supplementary Exchequer Grants to counties.

60.—(1) For the purpose of adjusting as between separately rated areas in any county any decreases and increases in the poundage of rates (other than special rates) due to the operation of Part I (except section seven) and Parts II and III of this Act during the period of nineteen years beginning on the sixteenth day of May, nineteen hundred and thirty, the following provisions shall have effect during that period—

(*a*) there shall be ascertained in accordance with the rules set out in the Eighth Schedule to this Act as respects every separately rated area in the county whether the operation of Part I (except section seven) and Parts II and III of this Act would, apart from this section, result in a gain or loss to the area and the amount of the gain or loss;

(*b*) in the case of each such area as respects which a loss is disclosed the amount which would otherwise be raised by rates in that area shall be reduced by crediting to the area the following amounts, that is to say, for the year beginning on the said sixteenth day of May and each of the four following years an amount equal to the full amount of the loss and for each of the next succeeding fourteen years an amount less than the amount so added in the preceding year by a sum equal to one-fifteenth of the amount added for the year beginning on the said sixteenth day of May;

(*c*) the deficiency in the revenue resulting in any year to the county council by reason of the

provisions of the last foregoing paragraph shall be met—

(i) as to one moiety thereof, by payments out of moneys provided by Parliament;

(ii) as to the other moiety thereof, by debiting to each area as respects which a gain is disclosed an amount proportionate to the amount of that gain and by increasing by the amount so debited the amount which would otherwise be raised by rates in that area;

(*d*) the Secretary of State shall make regulations for carrying into full effect the provisions of this section in such manner as to effect the objects thereof.

(2) The sums payable out of moneys provided by Parliament under this section in respect of any year shall be called the "Supplementary Exchequer Grant" of the county council.

Grants to Large Burghs.

General Exchequer Grants to large burghs.

61. The whole of every burgh apportionment shall be paid to the council of the large burgh and the sum so paid shall be called the General Exchequer Grant of that council.

Additional Exchequer Grants to large burghs.

62.—(1) There shall be ascertained in accordance with the rules set out in the Eighth Schedule to this Act as respects every large burgh, whether the operation of Part I (except section seven) and Parts II and III of this Act would apart from this and the next following section result in a gain or loss to the burgh and the amount of the gain or loss:

Provided that, if a large burgh comprises two or more separately rated areas, the gain or loss of each area shall be so ascertained, and the gain or loss of the burgh as a whole shall be the amount by which the gains exceed the losses or the losses the gains of the several areas.

(2) Section fifty-seven of this Act shall apply to large burghs as if for references to counties and the county apportionment there were substituted references to large burghs and the burgh apportionment and as if for the words "the amount of the loss on account of rates and grants of that county" there

were substituted the words "an amount equal to the "burgh apportionment for the first fixed grant period "increased by the loss or reduced by the gain of the "burgh as a whole as ascertained under subsection (1) "of section sixty-two of this Act."

Supplementary Exchequer Grants to large burghs.

63.—(1) For the purpose of adjusting as between separately rated areas in any large burgh any decrease and increase of the poundage of rates due to the operation of Part I (except section seven) and Parts II and III of this Act during the period of nineteen years beginning on the sixteenth day of May, nineteen hundred and thirty, the following provisions shall have effect during that period—

(*a*) there shall be ascertained in accordance with the rules set out in the Eighth Schedule to this Act as respects every separately rated area in the burgh whether the operation of Part I (except section seven) and Parts II and III of this Act would, apart from this and the last preceding section, result in a gain or loss to the area, and the amount of the gain or loss:

(*b*) if a loss is disclosed as respects any one or more of such areas, and the Additional Exchequer Grant (if any) of the burgh is an amount less than one-half of the aggregate amount of such losses, there shall be paid out of moneys provided by Parliament to the council of the burgh the following amounts, that is to say:—

(i) for the year beginning on the said sixteenth day of May and each of the four following years such sum as together with the amount of the Additional Exchequer Grant (if any) is equal to one-half of the said aggregate amount of such losses;

(ii) for each of the next succeeding fourteen years an amount less than the amount payable for the preceding year by a sum equal to one-fifteenth of the amount payable for the year beginning on the said sixteenth day of May:

(*c*) the Secretary of State shall make regulations for securing that the grants under this Part of this Act paid to the council of the large burgh shall

be applied towards making good to areas with respect to which a loss is disclosed the amount of such loss or of part thereof in such manner as to effect the objects of this section.

(2) The sums payable out of moneys provided by Parliament to the council of a large burgh under this section in respect of any year shall be called the "Supplementary Exchequer Grant" of that council.

Contributions of County and Town Councils in respect of Welfare of the Blind and Mental Defectives.

Contributions to voluntary associations in respect of the welfare of the blind and mental defectives.

64. The Central Department may, if they think proper, make a scheme providing for payment by the county councils and the town councils of large burghs specified in the scheme of contributions of such amount as may be therein stated to—

(*a*) any voluntary association which carries on services for the benefit of blind persons resident in the area of the specified councils; or

(*b*) any society undertaking the duty of assisting or supervising mental defectives whilst not in institutions who are resident in the area of the specified councils.

Any scheme under this section may be revoked or varied by a subsequent scheme.

General.

Payment of grants.

65. The grants under this Part of this Act shall be payable to the county and town councils entitled thereto at such times and in such manner as the Treasury may direct.

Power to reduce grants.

66. The Secretary of State may reduce the grant payable in respect of any year under this Part of this Act to any council by such an amount as he thinks just—

(*a*) if he is satisfied—

(i) that the council have failed to achieve or maintain a reasonable standard of efficiency and progress in the discharge of their functions relating to public health services (including

services relating to maternity and child welfare, lunacy and mental deficiency, and the welfare of the blind), regard being had to the standards maintained in any other areas whose financial resources and other relevant circumstances are substantially similar, and that the health or welfare of the inhabitants of the area of the council or some of them has been or is likely to be thereby endangered; or

(ii) that the expenditure of the council has been excessive and unreasonable, regard being had to the financial resources and other circumstances of the area; or

(*b*) if the Minister of Transport certifies that he is satisfied that the council have failed to maintain their roads or any part thereof in a satisfactory condition:

Provided that the Secretary of State shall not make such a reduction until he has made and caused to be laid before Parliament a report stating the amount of the reduction, and the reasons therefor.

Application of Exchequer Grants to county and town councils.

67. Subject to the provisions of this Part of this Act, all sums received by a county council by way of General or Additional Exchequer Grant shall be applied towards meeting the expenditure of the council (other than any part thereof apportioned and allocated to large burghs in respect of education or police) on all purposes for which the county council exercise functions throughout the whole county including the small burghs therein; and all sums received by the town council of a burgh by way of General or Additional Exchequer Grant shall be applied proportionately towards meeting—

(*a*) the expenditure which but for grants under this Part of this Act would be defrayed out of rates payable by owners and occupiers in equal proportions;

(*b*) the expenditure which but for such grants would be defrayed out of rates payable wholly by owners; and

(*c*) the expenditure which, but for such grants, would be defrayed out of rates payable wholly by occupiers.

Power of Department to pay council's contributions to voluntary association or society out of sums payable as General Exchequer Grant.

68. Upon application being made to the Department of Health by the council of any county or large burgh requesting that the contributions of the council towards the expenses of any voluntary association or society having as its object the promotion of public health services (including services relating to maternity and child welfare, lunacy and mental deficiency, and the welfare of the blind) may be paid directly to the association or society out of the amount payable as the General Exchequer Grant of the council, the said Department may pay such contributions accordingly, and any sums so paid shall be deemed to have been paid as part of that grant.

Government property.

69. For the purposes of this Part of this Act, any contribution made by the Crown in aid of rates in respect of any lands and heritages owned by the Crown or occupied by or on behalf of the Crown for public purposes shall be treated as money paid as rates, and in the case of agricultural, industrial, and freight transport lands and heritages, the value upon which that contribution would, if this Act had not been passed, have been computed for the year beginning on the sixteenth day of May, nineteen hundred and twenty-nine, shall be treated as the unreduced rateable value of the lands and heritages and the value on which that contribution would have been computed for that year if this Act, except section fifty, had been in operation throughout that year shall be treated as the reduced rateable value of the lands and heritages.

Power to make regulations.

70.—(1) The Secretary of State may make regulations for giving effect to the provisions of this Part of this Act, and in particular—

(*a*) as to the apportionment for the purposes of this Part of this Act of the expenditure of any joint authority amongst the areas liable to contribute to such expenditure, and for the part of the expenditure so apportioned to any area being treated as expenditure of a spending authority for that area for those purposes; and

(*b*) as to the manner in which the amounts of any grants payable under this Part of this Act are to be adjusted if and so far as any such adjustment is required in consequence of any alterations or combinations of authorities or

alterations of boundaries made on or after the sixteenth day of May, nineteen hundred and thirty; and

(*c*) as to the manner in which, subject to the express provisions of this Act, any calculation or estimate is to be made for the purposes of this Part of this Act and as to the authority or person by or to whom any information required for the purposes of any such calculation or estimate is to be given, and as to the time at which and the form in which it is to be given; and

(*d*) for prescribing anything which under this Part of this Act or under the Schedules therein referred to is to be prescribed,

and in particular, the regulations as to the manner in which expenditure falling to be borne by rates is to be calculated or estimated may provide for that expenditure being taken in appropriate cases to be the amount of the payments made in any year and may provide for such adjustments as may be necessary to correct any abnormal treatment of income or expenditure in accounts.

(2) Where in the standard year a rate is levied in the landward area of a county or in a large burgh by an authority other than the council of the county or burgh, regulations under this section may provide for the ascertainment of the loss on account of the rate so leviable in accordance with the rules set out in Part I of the Seventh Schedule to this Act, and for the payment to the authority by the council—

(*a*) in each year during the first four fixed grant periods of a sum equal to the appropriate percentage of such loss; and

(*b*) in each year in the first and second fixed grant periods of a sum equal to twenty-five per cent. of such loss, and thereafter of such sum as the council may determine,

and any sum so paid by a council to an authority shall be applied to such purposes, and in such manner, as may be prescribed by the regulations.

(3) Regulations made under paragraph (*c*) of subsection (1) of this section shall make provision for securing that where proposals for the development of institutional treatment in their area were submitted to

the Scottish Board of Health by the council of any county or large burgh at such a date that grants in aid of capital expenditure on institutions to be provided thereunder are payable in accordance with the directions of the Treasury, then, if the execution of the proposals was delayed by the directions of the said Board and liabilities in connection with the proposals were incurred by the council with the approval of the said Board before the twelfth day of November, nineteen hundred and twenty-eight, and in consequence of the delay the amount of any grants paid or payable to the council for the standard year is less than the amount thereof which would otherwise have been so payable, the amount of the grants paid or payable to the council in respect of that year shall be estimated and certified as if they had been increased by such amount as may be prescribed.

(4) All regulations made under this Part of this Act shall be laid before both Houses of Parliament as soon as may be after they are made, and if an Address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such regulations are laid before it, praying that the regulations may be annulled, they shall henceforth be void, but without prejudice to the validity of anything previously done thereunder or the making of new regulations.

Method of apportionment between authorities of expenditure and grants for purposes of the Seventh and Eighth Schedules.

71.—(1) Where by the rules contained in the Seventh and Eighth Schedules to this Act the expenditure of any authority is required to be apportioned between the several counties or large burghs into which the area of the authority extends, the apportionment shall be made—

(*a*) in the case of expenditure in respect of roads, other than loan charges, in proportion to the certified mileage of transferred roads in the parts of the area within the several counties;

(*b*) in the case of any other expenditure of a spending authority, in proportion to the reduced rateable value of the parts of the area within the several counties and burghs.

(2) Where by the rules contained in the Seventh Schedule to this Act the amounts paid or payable to

any authority out of the discontinued grants are required to be apportioned, the apportionment shall be made—

(*a*) in the case of grants in respect of roads, in proportion to the certified mileage of roads in respect of which grants were made in the standard year, in the parts of the area within the several counties;

(*b*) in the case of grants to any voluntary association which carries on services for the welfare of the blind, in proportion to the number certified as being the estimated number of beneficiaries of the association ordinarily resident within the jurisdiction of the several authorities;

(*c*) in the case of any other grants, on such basis as the Secretary of State may by order direct.

Investigation of working of rules of Seventh Schedule, Parts III and IV.

72. The Secretary of State shall, before the expiration of the second fixed grant period, in consultation with such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable, cause an investigation to be made into the working of the rules contained in Parts III and IV of the Seventh Schedule to this Act, and shall cause a report of the result of the investigation to be laid before Parliament.

Interpretation of Part III.

73. In this Part of this Act and in the Schedules therein referred to, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

" Appropriate percentage " means as respects the first and second fixed grant periods seventy-five per cent., as respects the third fixed grant period fifty per cent., and as respects the fourth fixed grant period twenty-five per cent. :

" Appropriate year " means as respects the first fixed grant period the standard year and as respects any subsequent fixed grant period the last year of the preceding fixed grant period :

" Certified " means—

in relation to roads or road grants, certified by the Minister of Transport :

in relation to the number of unemployed insured men or women certified by the Minister of Labour:

in relation to any other matter, certified by the Secretary of State or such person as he may appoint for the purpose:

"County" includes any small burgh situate within the county:

"Estimated population" and "estimated number of children under five years of age per thousand of the estimated population" mean in relation to any year, the population or number as estimated by the Registrar-General for Scotland for the calendar year in which the year in question begins:

"Losses on account of grants" means in relation to any county, large burgh, or spending authority, such losses calculated in accordance with the rules set out in Part II of the Seventh Schedule to this Act:

"Losses on account of rates" means in relation to any county, large burgh or spending authority, such losses calculated in accordance with the rules set out in Part I of the Seventh Schedule to this Act:

"Prescribed" means prescribed by regulations made under this Part of this Act:

"Reduced rateable value" means in relation to any lands and heritages, the rateable value thereof which would have been entered in the valuation roll for the year beginning on the sixteenth day of May, nineteen hundred and twenty-nine, if this Act, except section fifty, had been in operation throughout that year, and in relation to any area the aggregate of such rateable values of all the lands and heritages in the area:

"Road" means a road maintained by a highway authority and includes a bridge:

"Separately rated area" means—

(*a*) as respects a county, a landward parish or the landward part of a parish, so far as within the district of one district council, or a small burgh, except where the burgh is within

two or more parishes, in which case each part of the burgh within a separate parish shall be a separately rated area; and

(*b*) as respects a large burgh, a burghal parish or the burghal part of a parish:

"Special rate" means a special district rate or a special parish rate and includes a rate levied within a landward area by the rating authority in accordance with the provisions of a local Act for the purpose of meeting a requisition by the Commissioners or other body established under that Act:

"Spending authority" means a county council, town council, district committee, district board of control, education authority or parish council:

"Standard year" means the year beginning on the sixteenth day of May, nineteen hundred and twenty-eight:

"Transferred functions" means the functions transferred to the county councils of counties and the town councils of large burghs by or under Part I of this Act:

"Unemployed insured men" and "unemployed insured women" mean respectively men and women of or over the age of eighteen years, being insured contributors under the Unemployment Insurance Acts, 1920 to 1927, who are for the time being recorded as being unemployed for the purpose of the returns of unemployment made by the Minister of Labour:

"Unreduced rateable value" means in relation to any lands and heritages the rateable value thereof which would have been entered in the valuation roll for the year beginning on the sixteenth day of May, nineteen hundred and twenty-nine, if this Act had not been passed, and in relation to any area, the aggregate of such rateable values of all the lands and heritages in the area:

"Weighted population" means in relation to any county or large burgh, the weighted population calculated in accordance with the rules set out in Part III of the Seventh Schedule to this Act.

Transitory Provisions.

Power to adjust grants in respect of alteration of areas before 16th May 1930.

74. Where, after the commencement of the standard year, and before the sixteenth day of May, nineteen hundred and thirty, any alteration of authorities or boundaries affecting any county or burgh, or any separately rated area takes place, the Secretary of State may make such equitable adjustments of the amounts of the grants payable under this Part of this Act as he may deem necessary in consequence of such alteration.

Commencement and grants in respect of period beginning 16th May 1929.

75.—(1) Save as otherwise expressly provided, this Part of this Act shall come into operation on the sixteenth day of May, nineteen hundred and twenty-nine, and as respects the year beginning on the said day there shall be paid to every authority levying rates a sum equal to the amount estimated and certified as being the difference between the sum receivable by the authority as the proceeds of rates in respect of the said year and the sum which would have been so receivable had the rateable value of the area of the authority been calculated as if this Act had not passed: Provided that, if the Secretary of State is satisfied that the amount in the pound of the rates levied by any such authority in respect of the said year has been abnormally increased by reason of charges not ordinarily falling to be borne by rates having been imposed thereon, the sum payable to the authority under this section shall be such as may be estimated and certified as the sum which would have been so payable if the said amount in the pound had not been so increased as aforesaid.

(2) The sums required for the payments directed by subsection (1) of this section to be made to authorities levying rates shall be paid, to the extent of four hundred and seventy thousand pounds, out of the Rating Relief Suspense Account, and, to the extent of the balance, out of moneys provided by Parliament.

PART IV.

GENERAL.

Orders.

76.—(1) The Secretary of State may by order make any adaptations or modifications of the provisions of any Act necessary to bring those provisions into conformity with the provisions of this Act.

(2) Every order made under the foregoing subsection shall come into operation upon the date specified therein in that behalf, and shall be laid before Parliament as soon as may be after it is made, and such order shall cease to have effect upon the expiration of a period of three months from the date upon which it came into operation unless prior to the expiration of that period it has been approved by a resolution passed by each House of Parliament:

Provided that, in reckoning any such period of three months as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

(3) An order under the foregoing provisions of this section shall not be made after the thirty-first day of December, nineteen hundred and thirty.

(4) The Secretary of State may by order make such adaptations in the provisions of any local Act as may seem to him to be necessary in order to make those provisions conform with the provisions of this Act or in order to make an equitable adjustment or apportionment of any expenditure or payment under the local Act consequent on the carrying into effect of the provisions of this Act.

(5) Every order made under the immediately preceding subsection of this section or under subsection (2) of section two or subsection (2) of section seventy-one of this Act shall be laid before both Houses of Parliament forthwith, and if an Address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat, after any such order is laid before it, praying that the order may be annulled, it shall henceforth be void, but without prejudice to the validity of anything previously done thereunder or the making of a new order.

(6) Any order made under this Act may be revoked or altered by a subsequent order.

(7) This section shall come into operation on the sixteenth day of May, nineteen hundred and twenty-nine.

Interpretation.

77.—(1) In this Act, unless the context otherwise requires—

52 & 53 Vict. c. 50. 57 & 58 Vict. c. 58.

"Act of 1889" means the Local Government (Scotland) Act, 1889:

16 & 17 Geo. 5. c. 47.

"Act of 1894" means the Local Government (Scotland) Act, 1894:

"Act of 1926" means the Rating (Scotland) Act, 1926:

"Agricultural Lands and Heritages," "Industrial Lands and Heritages," "Freight Transport Lands and Heritages," "Industrial Purposes" and "Freight Transport Purposes" have the meanings respectively assigned to them in the Rating and Valuation (Apportionment) Act, 1928:

"Allotments Acts" means the Allotments (Scotland) Acts, 1892 to 1926:

18 & 19 Vict. c. 68.

"Burial Grounds Acts" means the Burial Grounds (Scotland) Act, 1855, and the Acts amending that Act, including this Act:

"Central Department" means—

(*a*) as respects poor law, public health, medical inspection and treatment of school children, and any other matter under the general supervision of the Department of Health, the said Department;

(*b*) as respects education (other than medical inspection and treatment of school children) the Scottish Education Department;

(*c*) as respects lunacy and mental deficiency, the General Board of Control for Scotland;

(*d*) as respects registration of births, deaths and marriages, the Registrar-General for Scotland;

(*e*) as respects roads, the Minister of Transport; and

(*f*) as respects all other matters, the Secretary of State:

"Classified Road" means a road classified by the Minister of Transport under the Ministry of Transport Act, 1919, in Class I or Class II, or in any class declared by him to be not inferior to those classes for the purposes of this Act: 9 & 10 Geo. 5. c. 50.

"Department of Health" means the Department of Health for Scotland:

"Functions" includes powers and duties:

"Gross Annual Valuation" has the meaning assigned to it in the Act of 1926:

"Landward" in relation to a county or parish means the county or parish excluding any burghs:

"Large Burgh" means a burgh containing a population of twenty thousand or upwards, and includes the burgh of Arbroath:

"Local Act" includes a Provisional Order confirmed by Act of Parliament:

"Local Authority" has the meaning assigned to it in the Local Authorities Loans (Scotland) Act, 1891: 54 & 55 Vict. c. 34.

"Officer" includes servant and a member of a police force:

"Parish Council" includes any landward committee thereof and two or more parish councils acting in combination:

"Parish Trust" means any trust (other than an ecclesiastical charity or educational endowment within the meaning of the Educational Endowments (Scotland) Act, 1882) the property of which is held wholly or mainly for the benefit of the inhabitants of a parish or any of them as such inhabitants or for any public purpose connected with a parish:

"Poor Law Acts" means the Poor Law (Scotland) Act, 1845, and the Acts amending that Act, including this Act: 8 & 9 Vict. c. 83.

"Property" and "liabilities" have the same meaning as in the Local Government (Scotland) Act, 1889:

"Public Libraries Acts" means the Public Libraries (Scotland) Acts, 1887 to 1920:

"Rateable Value" and "Rateable Valuation" have the meaning respectively assigned to them in the Act of 1926 as amended by the Rating and Valuation (Apportionment) Act, 1928, and Part II of this Act:

"Rate" includes water rate, but does not include the fishery assessment levied under the Salmon Fisheries (Scotland) Act, 1862, and the Acts amending that Act or under any corresponding provisions of a local Act:

"Rating Authority" means, as respects the landward part of a county, the county council, and, as respects a burgh, the town council and "Rating Area" shall be construed accordingly:

"Registration of Births, Deaths and Marriages Acts" means the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1910, and any Acts amending those Acts, including this Act:

"Small Burgh" means any burgh other than a large burgh:

"Superannuation fund" means any superannuation fund or scheme or other fund or scheme for ensuring benefits to an officer on retirement:

"Valuation Acts" means the Lands Valuation (Scotland) Act, 1854, and the enactments amending that Act including this Act:

"Water rate" (except in the section of this Act relating to consolidated rate) does not include a rate levied as a domestic water rate.

(2) Any reference in this section to the population of a burgh shall be deemed to be a reference to the population within the police boundaries thereof

according to the census of nineteen hundred and twenty-one unless it shall be established to the satisfaction of the Secretary of State within thirty days after the passing of this Act that in the case of any burgh it has a larger population as at the passing of this Act; and in any such case such reference shall be taken to be the larger population so established.

(3) Where the county council exercise any function within a burgh, the burgh shall for the purpose of such function be deemed to be included within the county.

(4) Unless the context otherwise requires, any reference in this Act to any statutory provision shall be construed as a reference to the statutory provision as amended or extended or applied by any subsequent Act, including this Act.

(5) Unless the context otherwise requires, references to any parish, burgh or other district in any statutory provision relating to any function by or under this Act transferred shall, so far as relating to the transferred function, be construed as references to the area of the transferee authority:

Provided that nothing in this subsection shall apply to references to a parish

(*a*) in Part V of the Act of 1894 as respects parish trusts; or

(*b*) in the provisions of the Public Libraries Acts, except those relating to the defraying of expenses incurred under the said Acts.

(6) Nothing in this Act shall be deemed to affect the parish, burgh or other registration district for which a registrar is required to be appointed under the Registration of Births, Deaths and Marriages Acts or the provisions of those Acts with respect to registration districts.

(7) Save as herein expressly otherwise provided, nothing in this Act with respect to the transfer of functions relating to police or to any other service shall be deemed to involve the transfer of the functions under any Act passed before this Act where the local authority

under that Act is ascertained by reference to burghs which have or are entitled to have a separate police force or to provide such other service.

(8) The provisions of the Valuation Acts relating to counties and burghs shall respectively apply to county councils and town councils of large burghs exercising by virtue of this Act the functions under the said Acts.

Declaration of intention as to future increases of local expenditure.

78. It is hereby declared that it is the intention of this Act that, in the event of material additional expenditure being imposed on any class of local authorities by reason of the institution of a new public health or other service after the commencement of this Act, provision should be made for increased contributions out of moneys provided by Parliament.

Repeals.

79.—(1) The enactments mentioned in the Ninth Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule; provided that such of the said enactments as relate to the accounts and the audit of the accounts of local authorities shall continue to have effect for such period as may be necessary after the commencement of this Act for the purposes of the making up, balancing and audit of the accounts of those authorities for the year ending on the fifteenth day of May, nineteen hundred and thirty, and for any previous year.

(2) Where provision is made by any Act for dividing a county into districts for the purposes thereof, any provisions restricting the districts for the purposes of such Act to or by reference to the districts under the Act of 1889 shall cease to have effect.

Citation and commencement.

80.—(1) This Act may be cited as the Local Government (Scotland) Act, 1929.

(2) Save as otherwise expressly provided, this Act shall come into operation on the sixteenth day of May, nineteen hundred and thirty.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

Part I.

Statutory Provisions regarding Functions of Town Councils of Small Burghs transferred to County Councils.

1. The Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1910.
2. The Lands Valuation (Scotland) Act, 1854, and the enactments amending that Act.
3. The Cattlesheds in Burghs (Scotland) Act, 1866.
4. The Explosives Acts, 1875 to 1923.
5. The Rivers Pollution Prevention Acts, 1876 and 1893.
6. The Infectious Disease (Notification) Act, 1889.
7. The Sale of Horseflesh, &c., Regulation Act, 1889.
8. The Diseases of Animals Acts, 1894 to 1927.
9. The Public Health (Scotland) Acts, 1897 to 1907, so far as relating to infectious, epidemic and endemic diseases, buildings for post-mortem examinations, vaccination and unsound food.
10. Section one hundred and ten of the Factory and Workshop Act, 1901.
11. Section fifty-four of the Burgh Police (Scotland) Act, 1903.
12. The Notification of Births Acts, 1907 and 1915.
13. The Milk and Dairies (Scotland) Act, 1914.
14. The Midwives (Scotland) Act, 1915.
15. Section five (*b*) of the Local Government (Emergency Provisions) Act, 1916.
16. The Venereal Disease Act, 1917.
17. Section four of the Maternity and Child Welfare Act, 1918.
18. The Rats and Mice (Destruction) Act, 1919.
19. The Blind Persons Act, 1920.
20. The Milk and Dairies (Amendment) Act, 1922.
21. The Public Health (Scotland) Amendment Act, 1925.
22. The Town Planning (Scotland) Act, 1925.
23. The Fertilisers and Feeding Stuffs Act, 1926.
24. The Wireless Telegraphy (Blind Persons Facilities) Act, 1926.
25. The Midwives and Maternity Homes (Scotland) Act, 1927.
26. The Food and Drugs (Adulteration) Act, 1928
27. The Petroleum (Consolidation) Act, 1928 (except section eleven).

PART II.

1ST SCH. —*cont.*

Functions of Town Councils of Small Burghs relating to the following matters which, so far as not transferred by this Act, may be transferred to County Councils by Order of Secretary of State.

1. Adulteration of food and drugs, and unsound food.
2. Diseases of animals.
3. Infectious diseases.
4. Milk and dairies.
5. Prevention of pollution of rivers.

Section 10.

SECOND SCHEDULE.

BURGHS UNITED.

1. The burghs of Kilrenny, Anstruther Easter and Anstruther Wester shall be united.

2. The burgh of Elie, Liberty and Williamsburgh and the burgh of Earlsferry shall be united.

3. The burghs of Bonnyrigg and Lasswade shall be united.

4. The burghs of Blairgowrie and Rattray shall be united.

Sections 15, 26.

THIRD SCHEDULE.

Audit of Accounts of County and Town Councils.

1. The Secretary of State shall from time to time and for such period as he may determine appoint one or more fit persons (hereinafter referred to as "the auditor") to audit the accounts of each county council and of each town council and may remove any auditor. Intimation of the appointment of the auditor shall be given to the council concerned and to the auditor prior to the commencement of his term of office. The auditors of the accounts of the corporation of the city of Glasgow shall not be fewer than twenty without the consent of the corporation, and the tenure of office of such auditors shall not be less than five years from the date of appointment unless otherwise agreed with the corporation.

2. The county council or the town council, as the case may be, shall pay to the auditor such salary and allowances as shall

from time to time be fixed by the council subject to the approval of the Secretary of State.

3. The Secretary of State may make regulations either generally or in the case of any particular council as to the manner in which the audit of the accounts of a council shall be conducted by the auditor and any such regulations may, in the case of a particular council where it appears to the Secretary of State expedient so to do, vary the procedure and the times and periods specified in paragraphs 5, 6, 7, and 11 of this Schedule.

4. Every county council and town council shall make available for inspection by the auditor all books, deeds, contracts, vouchers, receipts, and other documents and papers (in this Schedule referred to as books and documents) which he may deem necessary, and shall give the auditor every reasonable facility for carrying out the audit, and the auditor, on giving not less than seven days' previous notice in writing, may require any person holding any books or documents or accountable therefor to appear before him and to produce the same and to make and sign a declaration as to the correctness or identity of the same, and if such person neglects or refuses so to appear or to produce any such books, deeds, or documents, or to make or sign such declaration he shall incur for every neglect or refusal a penalty not exceeding forty shillings, and if he falsely or corruptly makes or signs any such declaration, knowing the same to be untrue in any material particular, he shall be liable to the penalties inflicted on persons guilty of perjury.

5. Before each audit is completed the county clerk or town clerk, as the case may be, shall, after receiving from the auditor intimation of the time and place hereinafter mentioned, give at least fourteen days' public notice in such manner as the Secretary of State may prescribe (*a*) of the deposit of the abstract of accounts required by this Schedule, (*b*) of the time and place at which the auditor will attend for the purpose of receiving objections with respect to the accounts as hereinafter provided, and (*c*) of the name and address of the auditor.

6. An abstract in duplicate of the accounts duly made up, balanced, and signed in such manner as the Secretary of State may prescribe shall be deposited in the office of the council and be open between the hours of eleven forenoon and three afternoon on any week day, other than Saturday, and between the hours of eleven forenoon and one afternoon on Saturday, to the inspection of all ratepayers within the county or within the burgh, as the case may be, for seven clear days before the date notified as aforesaid, and all such persons shall be at liberty to take copies of or extracts from the same without any fee, and any officer of the council duly appointed in that behalf refusing to allow inspection thereof shall be liable to a penalty not exceeding five pounds.

3RD SCH. —*cont.*

7. Any ratepayer may make any objection to such accounts or any part thereof and shall transmit the same and the grounds thereof in writing to the auditor and a copy thereof to the officer concerned and to the county clerk or town clerk, as the case may be, two clear days before the time notified as aforesaid, and any ratepayer may be present at the time and place notified as aforesaid, and may support any objection made by him as hereinbefore provided either by himself or by any other ratepayer, and the auditor, if so requested, shall at the same time hear any representation which may be made to him on behalf of the council or officer concerned in regard to such objection.

8. If it shall appear to any auditor acting in pursuance of this Schedule that any payment is in his opinion contrary to law and should be disallowed or that any sum which in his opinion ought to have been is not brought into account by any person, whether such payment or failure to account has been made matter of objection or not, he shall, by an interim report under his hand, report thereon to the Secretary of State setting forth the grounds of his opinion as aforesaid, and the Secretary of State shall cause such interim report to be intimated to the objector, if any, to the officer or other person affected thereby, and to the council concerned, and shall consider any statement in writing which may be made to him thereon by or on behalf of any party to whom such intimation was given within fourteen days of the date of such intimation, and after such further inquiry as he may think fit the Secretary of State shall decide all questions raised by such interim report and shall disallow all illegal payments and surcharge the amount of any illegal payment or of any loss or deficiency due to failure to bring a sum into account upon any person or persons by whose negligence or wrongful act that payment has been made or authorised or that loss or deficiency has been incurred:

Provided that, before deciding any question raised by an interim report, the Secretary of State may, on the application of the auditor or of any party to whom the interim report requires to be intimated as aforesaid, and shall, if so directed by either division of the Court of Session state a case on any question of law arising on the interim report for the opinion of either division of the Court of Session, and the procedure in the stated case shall be such as may be prescribed by Act of Sederunt.

9. If the Secretary of State is satisfied that the person making the illegal payment or authorising it to be made, or failing to bring the sum into account, acted reasonably, or in the belief that his action was authorised by law, or that the payment was made, or the failure took place under such circumstances as to make it fair and equitable that a disallowance or surcharge should not be made, the Secretary of State shall abstain from making a disallowance or surcharge.

3rd Sch. —*cont.*

10. Every sum determined by the Secretary of State under this Schedule to be due from any person shall be paid by such person to the council within fourteen days after such determination has been intimated to him, and if such sum is not so paid it shall be the duty of the auditor to recover the same, and the council shall reimburse him for his expenses (including a reasonable allowance for his time) in so far as not recovered from the person surcharged.

11. Within fourteen days after the completion of the audit or, as the case may be, after any question raised under an interim report by an auditor has been determined as aforesaid the auditor shall report on the accounts audited, and shall certify on each duplicate abstract thereof the amount in words at length of the expenditure so audited and allowed, and further that all the regulations with respect to the accounts have been complied with, and that he has ascertained by the audit the correctness of the accounts. He shall forthwith send one duplicate abstract of the accounts to the council and the other duplicate abstract to the Secretary of State, provided that, if the Secretary of State shall so determine, such abstract may come in place of and render unnecessary a return of the receipts and expenditure of the council in pursuance of the Local Taxation Returns (Scotland) Act, 1881. The auditor shall also send to the accountant of the Scottish Education Department (in this Schedule referred to as the Department) a copy of the abstract of the accounts relating to education of every county council and of the town council of every burgh being a county of a city with a report and certificate thereon as aforesaid.

12. The council shall cause the certified duplicate abstract of accounts sent to them as aforesaid to be deposited in their office for at least fourteen clear days and a notice to be published once weekly for at least two successive weeks in one or more of the newspapers published or circulating in the county or the burgh of the time and place during which the said abstract shall be open to the inspection of all ratepayers within the county or within the burgh, as the case may be.

13. Where any surcharge has been made as hereinbefore provided or the auditor has made any report (other than an interim report) respecting the accounts or the receipts and expenditure of the council, the Secretary of State may require the council to cause such public notice as he may direct to be given of the surcharge or report and in case of default in such publication the Secretary of State may cause such notice to be given, and the cost of such notice to the amount certified by the Secretary of State shall be a debt due from the council to His Majesty and the county clerk or town clerk, as the case may be, shall be liable in case of such default in such notice being given to a fine not exceeding twenty pounds.

3RD SCH. —*cont.*

14. In the application of this Schedule to the accounts relating to education of a county council or of a town council of a burgh being a county of a city the following modifications and provisions shall have effect :—

(*a*) References in paragraphs 8, 9, and 10 to the Secretary of State shall be construed as references to the Scottish Education Department;

(*b*) Notwithstanding anything in this Schedule and for the purpose of securing compliance with the statutes relating to education and the orders, regulations and minutes thereunder—

(i) The accountant of the Department may also, by demand in writing, require the production before him of all the accounts of any such council relating to education and of all books and documents which he may deem necessary for the purpose of examining the said accounts, and shall have the same powers as the auditor with reference to requiring the appearance before him of any person, the production of any books or documents and declarations as to the same, and the provisions of paragraph 4 of this Schedule so far as relating to penalties for neglect or refusal or making an untrue declaration shall apply as in the case of a requirement by the auditor;

(ii) If it shall appear to the accountant of the Department that any payment included in the said accounts is in his opinion contrary to law or that any sum which in his opinion ought to have been is not brought into account by any person he shall report thereon to the Department, setting forth the grounds of his opinion, and the Department shall cause such report to be intimated to the officer of the council or other person concerned with the payment or the failure to bring into account and also to the council, and shall give such officer, person, or council an opportunity of submitting representations thereon, and if the Department agree with the accountant they shall cause intimation to be given to the council and to the officer or other person concerned and also to the auditor that in the event of any expenditure of the same nature as any such payment as aforesaid being incurred by the council after the date of such intimation or of any similar failure by the council to bring any sum into account after such date it shall be the duty of the auditor to make an interim report with respect thereto;

In this paragraph the expression "accountant of the Department" has the meaning assigned to it in section twenty-three of the Education (Scotland) Act, 1908.

15. For the purposes of this Schedule, any ratepayer within a burgh shall as respects accounts of a county council relating to a function for the purposes of which that burgh is included within the county, be deemed to be a ratepayer within the county. 3rd Sch. —*cont.*

FOURTH SCHEDULE.

Section 17.

MAXIMUM RATES OF ALLOWANCES IN RESPECT OF TRAVELLING AND OTHER PERSONAL EXPENSES NECESSARILY INCURRED AND TIME NECESSARILY LOST FROM ORDINARY EMPLOYMENT BY MEMBERS OF A COUNTY COUNCIL OR OF ANY COMMITTEE OR SUB-COMMITTEE THEREOF IN ATTENDING MEETINGS.

I.—*Travelling Expenses.*

A sum representing the amount of third-class railway fare or first-class steamer fare between the place of meeting and the ordinary place of residence of the member of the council, committee or sub-committee. In so far as there is no railway service but a public service by some other means of transport is available the amount of the fare by such other means of transport and in so far as there is no railway or other public means of transport the cost of a hired conveyance if such cost is approved by the council.

II.—*Other Personal Expenses.*

(*a*) When attendance at the meeting has entailed absence from the ordinary place of residence of the member of not less than four hours, the sum of three shillings and fourpence.

(*b*) Where such attendance has entailed an absence from the ordinary place of residence of the member of not less than eight hours, the sum of six shillings and eightpence.

(*c*) Where such attendance has entailed one or more nights of absence from the ordinary place of residence of the member, the sum of one pound for each night necessarily spent away from home. Each such payment of one pound shall cover a period of twenty-four hours and paragraph (*a*) or (*b*), as the case may be, shall apply in the case of any further period of absence of less than twenty-four hours.

III.—*Time necessarily lost from ordinary employment.*

The sum of seven shillings and sixpence for each half day and the sum of fifteen shillings for each full day necessarily so lost.

Section 52.

FIFTH SCHEDULE.

DISCONTINUED GRANTS.

1. The grants payable out of the Consolidated Fund or the growing produce thereof into the Local Taxation (Scotland) Account.

2. The grants in aid of certain health services, that is to say, grants for maternity and child welfare, other than the training of midwives and health visitors, grants for the treatment of tuberculosis, grants for the treatment of venereal diseases, grants for the welfare of the blind, and grants in respect of mental defectives.

3. Road grants, that is to say, grants made as classification grants in respect of roads and bridges classified by the Minister of Transport as roads and bridges of Class I. or Class II. in large burghs, and as grants for the maintenance of unclassified roads in counties.

Sections 52.

SIXTH SCHEDULE.

PROVISIONS AS TO CERTAIN PAYMENTS HERETOFORE PAYABLE OUT OF THE LOCAL TAXATION (SCOTLAND) ACCOUNT.

Payments to Education (Scotland) Fund.

In lieu of the payments which have hitherto been made to the Education (Scotland) Fund out of the Local Taxation (Scotland) Account there shall in each year be paid out of moneys provided by Parliament and carried to that Fund a sum equal to the amount of the sums payable thereto out of the said Account in respect of the year ending the thirty-first day of March, nineteen hundred and twenty-nine.

Payments to the Agriculture (Scotland) Fund.

In lieu of the sum which has hitherto been paid out of the Local Taxation (Scotland) Account and carried to the Agriculture (Scotland) Fund there shall in each year be paid out of moneys provided by Parliament and carried to that Fund the sum of fifteen thousand pounds.

Sum distributed among Universities of Scotland.

6TH SCH. —*cont.*

In lieu of the sum which has hitherto been paid out of the Local Taxation (Scotland) Account and distributed among the Universities of Scotland, there shall in each year be paid out of moneys provided by Parliament a sum of thirty thousand pounds, which sum shall be distributed among the Universities of Scotland in such manner and in accordance with such conditions as may be set forth in an Ordinance or Ordinances of the Commissioners under the Universities (Scotland) Act, 1889.

SEVENTH SCHEDULE.

Sections 57, 58, 59, 70, 71, 72, 73.

RULES FOR CALCULATIONS IN RESPECT OF GENERAL EXCHEQUER GRANTS.

PART I.

Sections 59, 70, 73.

Rules for determining Losses on account of Rates.

1. There shall be estimated and certified as respects each rating area—

(*a*) the expenditure in respect of the standard year which would have fallen to be borne by rates levied in that area on the assumption that the expenditure on the transferred functions was expenditure by the transferee authority except that expenditure on any function for the purpose of which a large burgh is included within a county, shall, so far as such expenditure relates to the large burgh, be assumed to be expenditure by the town council of the burgh;

(*b*) the unreduced rateable value of the area;

(*c*) the reduced rateable value of the area;

(*d*) the difference between the unreduced rateable value and the reduced rateable value of the area. That difference increased by a percentage ascertained in the prescribed manner in respect of unoccupied lands and heritages is hereinafter referred to as "the loss of rateable value."

2. In estimating and certifying the expenditure on the transferred functions by a county or large burgh for the purposes of the foregoing rule in any case where the area of a transferor authority is not wholly comprised in one county or large burgh, the expenditure of the authority shall be apportioned between the several counties and large burghs into which the area

7TH SCH. —*cont.*

extends, and the amount apportioned to any such county or burgh shall be deemed to be the expenditure by the county council or the council of the burgh on the transferred functions.

3. The loss on account of rates of a rating area shall be a sum bearing the same proportion to expenditure which would have fallen to be borne by rates as aforesaid as the loss of rateable value of the area bears to the unreduced rateable value thereof.

4. The loss on account of rates of a county shall be the aggregate of the losses on account of rates of the several separate rating areas within the county.

5. For the purpose of estimating the loss on account of a special rate, the foregoing rules shall have effect as if the expression "rates" meant such special rate, and the expression "rating area" meant the area in which such special rate is levied and the loss on account of the special rates of a county shall be the aggregate of the losses on account of special rates of the areas within the county in which special rates are levied.

Section 73.

PART II.

Rules for Determining Losses on Account of Grants.

1. There shall be estimated and certified the amounts paid or payable in respect of the standard year to spending authorities within each county and large burgh out of the discontinued grants, after deducting therefrom a sum equal to such part of the amounts paid or payable in respect of the standard year out of the Local Taxation (Scotland) Account as was in pursuance of any statutory requirement applicable for the purposes of education or police services within the county or burgh:

Provided that for the purposes of this rule, no part of the annual or additional annual grant (so far as relating to agricultural lands and heritages) made under the Agricultural Rates (Scotland) Acts, 1896 to 1923, shall be deemed to have been so applicable as aforesaid.

2. The amounts aforesaid shall be estimated and certified as if the road grants had been payable in respect of the standard year at the rates at which they were payable immediately before the first day of April, nineteen hundred and thirty.

3. In estimating and certifying the amount aforesaid, in any case where the area for which a spending authority acts is not wholly comprised in one county or large burgh, the amount paid or payable to the spending authority out of the discontinued grants shall be apportioned between the several counties and large burghs into which the area extends, and the amount apportioned

to any county or large burgh shall be deemed to be an amount paid or payable to a spending authority within that county or burgh. 7th Sch. —*cont.*

4. The loss on account of grants of a spending authority shall be the amounts so estimated and certified as respects that authority, and the loss on account of grants of a county or large burgh shall be the aggregate of the losses on account of grants of the spending authorities within the county or large burgh.

5. For the purpose of the rules contained in this Part of this Schedule the expression spending authorities shall include voluntary associations and joint authorities to which grants were paid or payable in respect of the standard year.

Part III.

Sections 57, 72, 73.

Rules for determining Weighted Population.

1. The estimated population of the county or large burgh in the appropriate year shall be increased—

(i) if the estimated number of children under five years of age per thousand of the estimated population exceeds fifty, by the percentage represented by the proportion which that excess bears to fifty;

(ii) if, in the appropriate year, the rateable value per head of the estimated population of the county or burgh is less than twelve pounds ten shillings, by the percentage represented by the proportion which the deficiency bears to twelve pounds ten shillings.

In ascertaining the rateable value of a county or large burgh for the purpose of this paragraph account shall not be taken of—

(*a*) any lands and heritages the occupier of which is exempted from the payment of rates in respect thereof by virtue of a provision contained in a public general Act (other than a provision only empowering the council to grant exemption); and

(*b*) such lands and heritages (not being lands and heritages occupied by the council of the county or burgh) as the Secretary of State may by order prescribe, being lands and heritages the occupier of which is exempted from the payment of rates in respect thereof by virtue of any such provision as aforesaid contained in a local Act.

2. There shall be estimated and certified the average numbers during the three calendar years immediately preceding the beginning of each fixed grant period of unemployed insured

7TH SCH. —*cont.*

men and of unemployed insured women resident in each county and large burgh, and there shall be ascertained the percentage represented by the proportion which the number of unemployed insured men increased by ten per cent. of the number of unemployed insured women bears to the average estimated population of the county or burgh for those three years, and if as respects any county or large burgh that percentage exceeds one-and-a-half, the estimated population of the county or burgh in the appropriate year as increased in accordance with Rule 1 contained in this Part of this Schedule shall be further increased by a percentage equal to the amount of such excess multiplied by the appropriate multiple

3. There shall be ascertained and certified the number of miles of road in every county and the estimated population of every such county as increased in accordance with Rule 1 contained in this Part of this Schedule shall be further increased—

(*a*) in the case of a county in which the estimated population per mile of roads is in the appropriate year less than one hundred, by the percentage represented by the proportion which the difference between two hundred and the estimated population per mile of roads bears to two hundred ; and

(*b*) in the case of a county in which the estimated population per mile of roads is in the appropriate year one hundred or more, by the percentage represented by the proportion which fifty bears to the estimated population per mile of roads.

4. The estimated population of the county or large burgh as increased in accordance with the provisions of the foregoing rules contained in this Part of this Schedule shall be the weighted population of the county or burgh.

5. For the purposes of this Part of this Schedule—

The rateable value in the appropriate year for the first fixed grant period shall be the reduced rateable value :

" The appropriate multiple " shall, as respects the first and second fixed grant periods, be ten, and as respects any subsequent fixed grant period be a number ascertained in the following manner :—

(i) the ratio which the total amount of the General Exchequer Contribution in the fixed grant period in question bears to the part thereof distributed in that fixed grant period under paragraph (*b*) of subsection (1) of section fifty-five of this Act shall be ascertained :

7th Sch. —*cont.*

(ii) the ratio which the total amount of the General Exchequer Contribution in the first fixed grant period bears to the part thereof distributed in that fixed grant period under the said paragraph shall be ascertained:

(iii) the required number shall be such number as bears to ten the same proportion as the ratio ascertained under paragraph (i) of this rule bears to the ratio ascertained under paragraph (ii) thereof.

Part IV.

Sections 58, 72.

Rules for calculating sums to be allocated to small Burghs and Landward Areas on the basis of Population.

1. The number of pence produced by dividing one half of the total amount of the county apportionments (exclusive of any sums paid out of moneys provided by Parliament to make good a deficiency in any such apportionment) to counties by the aggregate of the estimated populations of those counties in the appropriate year shall be ascertained to the nearest penny.

2. The amount to be allocated to a small burgh shall be the number of pence ascertained under Rule 1 contained in this Part of this Schedule multiplied by the estimated population of the burgh in the appropriate year.

3. The amount to be allocated to the landward area shall be two-thirds of the number of pence ascertained under Rule 1 contained in this Part of this Schedule multiplied by the estimated population of the area in the appropriate year.

EIGHTH SCHEDULE.

Sections 60, 62, 63, 71.

Rules for ascertaining Gains and Losses of Areas.

1. There shall be estimated and certified as respects each separately rated area the rate in the pound required to raise an amount certified as being the amount of the expenditure for the standard year falling to be borne by rates (other than special rates) in that area on the assumptions that the rateable values of all lands and heritages were the unreduced rateable values thereof, and that the expenditure on the transferred functions was incurred by the various spending authorities as existing before the transfer of those functions.

8TH SCH. —*cont.*

2. There shall be estimated and certified the rate in the pound which would be required to raise an amount certified as being the amount of such part of the expenditure for the standard year as would have fallen to be borne by rates (other than special rates) in that area on the following assumptions—

(*a*) that the rateable values of all lands and heritages were the reduced rateable values thereof ; and

(*b*) that the expenditure on the transferred functions was expenditure by the transferee authority except that expenditure on any function for the purpose of which a large burgh is included within a county shall, so far as such expenditure relates to the large burgh, be assumed to be expenditure by the town council of the burgh; and

(*c*) that the standard year was a year falling within the first fixed grant period and that the provisions of Part III of this Act, other than sections sixty, sixty-two and sixty-three had been in operation.

3. In estimating and certifying the expenditure on the transferred functions by a county council or the council of a large burgh in any case where the area for which a transferor authority acts is not wholly comprised in one county or large burgh, the expenditure of the authority shall be apportioned between the several counties and large burghs into which the area extends and the amount so apportioned to any such county or burgh shall be deemed to be expenditure by the county council or town council of the large burgh on the transferred functions.

4. The difference resulting from subtracting the rate under Rule 2 contained in this Schedule from the rate under Rule 1 contained therein shall be ascertained.

5. If as respects any area the difference is a plus quantity, the estimated proceeds of a rate equivalent to the difference levied on the reduced rateable value of the area shall be deemed to be the gain of the area.

6. If the difference is a minus quantity, the estimated proceeds of a rate equivalent to the difference levied on the reduced rateable value of the area shall be deemed to be the loss of the area.

NINTH SCHEDULE.

Section 79.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
8 & 9 Vict. c. 83.	The Poor Law (Scotland) Act, 1845.	In section fifty-five the words from "have the custody of" to "duty of the said inspector to" and the word "to" where it occurs before the words "keep," "visit," "report" and "perform." Section fifty-seven. In section sixty-two the words from "Provided always" to the end of the section.
17 & 18 Vict. c. 91.	The Lands Valuation (Scotland) Act, 1854.	Section nineteen.
18 & 19 Vict. c. 29.	The Registration of Births, Deaths and Marriages (Scotland) Act, 1855.	Section four.
18 & 19 Vict. c. 68.	The Burial Grounds (Scotland) Act, 1855.	Section three.
19 & 20 Vict. c. 93.	The Commissioners of Supply (Scotland) Act, 1856.	The whole Act.
20 Vict. c. 11.	The Commissioners of Supply (Scotland) Act, 1857.	The whole Act.
20 & 21 Vict. c. 71.	The Lunacy (Scotland) Act, 1857.	Sections fifty-four and fifty-five.
20 & 21 Vict. c. 72.	The Police (Scotland) Act, 1857.	Sections fifty-eight, fifty-nine and sixty.
23 & 24 Vict. c. 85.	The Registration of Births, Deaths and Marriages (Scotland) Act, 1860.	In section five the words from "and also to regulate," to "hereinbefore repealed."
35 & 36 Vict. c. 62.	The Education (Scotland) Act, 1872.	Sections fifteen and sixteen. In section forty-eight the words from the commencement of the section to "the expenditure thereof." Section fifty-two.
40 & 41 Vict. c. 53.	The Prisons (Scotland) Act, 1877.	Sections sixty-one (so far as not repealed) and sixty-two.

9TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
41 & 42 Vict. c. 51.	The Roads and Bridges (Scotland) Act, 1878.	Sections eighteen, twenty-seven and twenty-nine.
41 & 42 Vict. c. 78.	The Education (Scotland) Act, 1878.	Sections fifteen, sixteen and seventeen.
50 & 51 Vict. c. 39.	The Lunacy Districts (Scotland) Act, 1887.	Section one.
50 & 51 Vict. c. 42.	The Public Libraries Consolidation (Scotland) Act, 1887.	In section two in the definition of "parish" the words from "for which" to "shall "be."
52 & 53 Vict. c. 50.	The Local Government (Scotland) Act, 1889.	In subsection (2) of section four the words from "Pro- "vided that" to the end of the subsection. Sections seven and twelve. In subsection (2) of section sixteen, paragraph (*c*), Sections seventeen and eighteen. Part II. In subsection (1) of section twenty-seven the words from "except that the rate" to "as the case may be." Subsection (1) of section thirty-seven. Section fifty-three. Subsections (3) and (4) of section sixty, section sixty-six. In subsection (1) of section sixty-seven the words from "with the consent" to "appointed in pursuance of "this Act" and the words from "but neither the transfer," to the end of the subsection, and in subsection (2) of the said section the words "with the consent of the "said standing joint com- "mittee." In section sixty-eight the words "including those of "the district committees" in subsection (1), and the words "including as afore- "said" in subsection (2). Sections sixty-nine and seventy.

9th Sch. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
52 & 53 Vict. c. 50—*cont.*	The Local Government (Scotland) Act, 1889 —*cont.*	In section seventy-one the words "including those of "the district committee." Subsection (8) of section seventy-three. Sections seventy-seven to eighty inclusive and section eighty-two. In subsection (6) of section eighty-three the words "district clerk" wherever these words occur, the words "or by any district com- "mittee" and the words "or district committee as "the case may be."
53 & 54 Vict. c. 8.	The Customs and Inland Revenue Act, 1890.	Section seven so far as relating to Scotland.
53 & 54 Vict. c. 60.	The Local Taxation (Customs and Excise) Act, 1890.	The whole Act so far as relating to Scotland.
55 & 56 Vict. c. 51.	The Education and Local Taxation Account (Scotland) Act, 1892.	The whole Act.
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act, 1892.	Section eighty-one.
57 & 58 Vict. c. 30.	The Finance Act, 1894	Section nineteen so far as relating to Scotland.
57 & 58 Vict. c. 58.	The Local Government (Scotland) Act, 1894.	Section thirty-two. Section thirty-six. Subsection (1) of section thirty-eight.
59 & 60 Vict. c. 37.	The Agricultural Rates Congested Districts and Burgh Land Tax Relief (Scotland) Act, 1896.	The whole Act.
60 & 61 Vict. c. 38.	The Public Health (Scotland) Act, 1897.	In section one hundred and thirty-seven the words from the commencement of the section to the words "one "shilling in the pound." Section one hundred and thirty-eight, so far as relating to small burghs.

9TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
60 & 61 Vict. c. 49.	The Parish Councils Casual Vacancies (Scotland) Act, 1897.	The whole Act.
60 & 61 Vict. c. 53.	The Congested Districts (Scotland) Act, 1897.	Paragraph (1) of section three.
61 & 62 Vict. c. 56.	The Local Taxation Account (Scotland) Act, 1898.	The whole Act.
63 & 64 Vict. c. 49.	The Town Councils (Scotland) Act, 1900.	Sections ninety-four and ninety-five. Section ninety-six except the second paragraph thereof.
3 Edw. 7. c. 34.	The Town Councils (Scotland) Act, 1903.	In section seven the second paragraph.
5 Edw. 7. c. 18.	The Unemployed Workmen Act, 1905.	The whole Act so far as relating to Scotland.
7 Edw. 7. c. 13.	The Finance Act, 1907	Section seventeen and the Second Schedule so far as relating to Scotland.
8 Edw. 7. c. 63.	The Education (Scotland) Act, 1908.	Section fifteen, so far as relating to payment of sums out of the Local Taxation (Scotland) Account to the Education (Scotland) Fund. Subsections (1), (2) and (6) of section twenty-three. Section twenty-five.
10 Edw. 7. c. 8.	The Finance (1909–10) Act, 1910.	Subsection (1) of section eighty-eight so far as relating to Scotland.
1 Geo. 5. c. 2.	The Revenue Act, 1911	Section seventeen so far as relating to Scotland and subsection (2) of section eighteen.
1 & 2 Geo. 5. c. 49.	The Small Landholders (Scotland) Act, 1911.	Paragraph (*a*) of section five.
3 & 4 Geo. 5. c. 37.	The National Insurance Act, 1913.	Subsection (4) of section forty-one.
3 & 4 Geo. 5. c. 38.	The Mental Deficiency and Lunacy (Scotland) Act, 1913.	Section twenty-two. The second proviso to section twenty-six. Section twenty-seven (so far as relating to parish councils).

9TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
3 & 4 Geo. 5. c. 38—*cont.*	The Mental Deficiency and Lunacy (Scotland) Act, 1913—*cont.*	Sections thirty-seven and thirty-eight. Section sixty-four (except subsection (4)). Sections sixty-five and sixty-seven.
6 & 7 Geo. 5. c. 12.	The Local Government (Emergency Provisions) Act, 1916.	Paragraph (3) of section twenty-two.
8 & 9 Geo. 5. c. 48.	The Education (Scotland) Act, 1918.	Sections one and two. The proviso to section five. Section twelve. Subsection (4) of section thirteen. Sections twenty-two and twenty-three. Paragraph (5) of section thirty-one. First Schedule. Second Schedule (other than paragraph 12).
10 & 11 Geo. 5. c. 72.	The Roads Act, 1920 -	In section two, so far as relating to Scotland, subsection (2), and in subsection (3) the words "balance of the" and the words "after deducting the sums to be paid to the local taxation accounts under this section."
11 & 12 Geo. 5. c. 31.	The Police Pensions Act, 1921.	Subsection (3) of section twenty-two so far as relating to Scotland.
13 & 14 Geo. 5. c. 39.	The Agricultural Rates Act, 1923.	The whole Act so far as unrepealed and so far as relating to Scotland.
14 & 15 Geo. 5. c. 38.	The National Health Insurance Act, 1924.	Subsection (6) of section one hundred and seven so far as relating to Scotland, and paragraph (*a*) of subsection (2) of section one hundred and sixteen.
15 & 16 Geo. 5. c. 10.	The Agricultural Rates (Additional Grant) Continuance Act, 1925.	The whole Act so far as relating to Scotland.
15 & 16 Geo. 5. c. 33.	The Church of Scotland (Property and Endowments) Act, 1925.	Section forty-three.

9TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
15 & 16 Geo. 5. c. 89.	The Education (Scotland) Act, 1925.	Section two.
16 & 17 Geo. 5. c. 47.	The Rating (Scotland) Act, 1926.	Section two (other than subsection (4)). Sections five, eight, ten, thirteen and eighteen. Subsections (1), (4) and (6) of section twenty-five. In subsection (1) of section twenty-nine in the definition of rateable valuation the words from "except that for the purpose" to "gross annual value thereof."

CHAPTER 26.

An Act to grant complete exemption from rates during the current half-year in the case of agricultural hereditaments in England to which the Rating and Valuation (Apportionment) Act, 1928, applies; and for purposes in connection therewith. [10th May 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Complete exemption of agricultural hereditaments from rates in respect of current half-year.

1.—(1) No person shall be liable to pay rates in respect of the occupation of any hereditament during any part of the current half-year during which the hereditament is deemed in accordance with the provisions of this section to be an agricultural hereditament.

(2) The occupier of any hereditament shown in a draft special list or special list as being an agricultural hereditament shall, so long as the hereditament is so shown, be entitled to be repaid any sum paid by him, and

to withhold any sum demanded from him, in payment of any rate in respect of the occupation thereof made in respect of the current half-year or any part thereof, but without prejudice to his liability to pay so much of the rate as is chargeable against him in respect of the occupation of the hereditament during any part of the current half-year during which it is not deemed, in accordance with the provisions of this section, to have been an agricultural hereditament.

For the purposes of this subsection, a hereditament shown in a draft special list as being an agricultural hereditament, according to the conclusions finally arrived at with respect thereto either by the rating authority or by the revenue officer, shall be deemed to be shown in the list as being an agricultural hereditament.

(3) Any person shall be entitled to recover from the rating authority any sums paid by him by way of rates in respect of the occupation of a hereditament during any part of the current half-year during which the hereditament is deemed, in accordance with the provisions of this section, to have been an agricultural hereditament.

(4) For the purposes of this Act—

(*a*) a hereditament shown in the valuation list on the first day of October, nineteen hundred and twenty-nine, as an agricultural hereditament, shall be deemed to have been such a hereditament throughout the current half-year unless the assessment committee, on the application of the rating authority or of the revenue officer, certify that it was an agricultural hereditament only during a part of the said period, and in that case the hereditament shall be deemed to have been an agricultural hereditament only during such part of the period as may be specified in the certificate; and

(*b*) a hereditament not so shown as aforesaid in the said valuation list shall be deemed to have been an agricultural hereditament during such part, if any, of the said period as may be specified in a certificate given by the assessment committee upon an application

made before the first day of November, nineteen hundred and twenty-nine, by the occupier of the hereditament; and

(*c*) where after the first day of October, nineteen hundred and twenty-nine, an amendment is, in consequence of an objection lodged before that date, made in the valuation list, whereby a hereditament is shown or ceases to be shown in that list as an agricultural hereditament, the hereditament shall be deemed to have been so shown or not to have been so shown, as the case may be, on that date.

(5) Upon application being made to an assessment committee for a certificate under this section, the committee shall certify whether the hereditament in respect of which the application is made was an agricultural hereditament during any part of the current half-year, and if so, during what part thereof.

(6) Every certificate given by an assessment committee under this section shall be subject to appeal in like manner as if it were a decision on an objection to a draft special list or special list; and in relation to any application for such a certificate, the rating authority, the occupier of the hereditament, and the revenue officer, shall have the like rights as to receiving notice of, and making and opposing objections to, the application, and as to appealing, and receiving notices of and resisting appeals, as they have respectively in relation to a draft special list or special list.

Grants to rating authorities out of Rating Relief Suspense Account.

2. There shall, at such times and in such manner as the Treasury may direct, be paid out of the Rating Relief Suspense Account to every rating authority a sum equal to the amount estimated in the prescribed manner and certified by the Minister of Health as being the difference between the sum receivable by the rating authority as the proceeds of rates in respect of the current half-year, and the sum which would have been so receivable if this Act had not been passed:

Provided that, if the Minister is satisfied that the amount in the pound of the rates levied by any rating authority in respect of the current half-year has been abnormally increased by reason of charges not ordinarily

falling to be borne by rates having been imposed thereon, the sum payable to the rating authority under this subsection shall be such sum as may be estimated and certified by the Minister as the sum which would have been so payable if the said amount in the pound had not been so increased as aforesaid.

Provisions as to rates and precepts.

3. For the purposes of any rate made or to be made or precept issued or to be issued in respect of the current half-year, an authority, in estimating the amount which would be produced by a rate of a penny in the pound, or in determining the amount in the pound of any rate made or to be made or precept issued or to be issued by them, or in making any apportionment between two or more rating areas, shall not take into account the exemption from rates due to the operation of this Act or the amount of any payment to be received under this Act, and for the purpose of ascertaining the amount due under any precept to which subsection (2) of section nine of the Rating and Valuation Act, 1925, applies, the amount produced by the rate of the amount in the pound specified in the precept shall be taken to be the amount which would have been so produced if this Act had not been passed.

15 & 16 Geo. 5. c. 90.

Power to make regulations.

4.—(1) The Minister of Health may make regulations for giving effect to the provisions of this Act, and in particular—

(*a*) as to the form of certificates to be given by assessment committees under this Act and as to the recording of such certificates;

(*b*) as to any entries to be made in valuation lists, rate books, or other documents, in consequence of the operation of this Act;

(*c*) as to the modifications to be made in demand notes in respect of the current half-year, and for such modifications being made by means of notices sent by rating authorities to occupiers of agricultural hereditaments or otherwise.

(2) All regulations made under this Act shall be laid before both Houses of Parliament as soon as may be after they are made, and if either House within the next subsequent twenty-one days on which that House has sat after any such regulation has been laid before it

resolves that the regulation ought to be annulled, the regulation shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of any new regulations.

Interpretation.

5. In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Agricultural hereditament" has the same meaning as in the Rating and Valuation (Apportionment) Act, 1928:

18 & 19 Geo. 5. c. 44.

"Current half-year" means the period beginning on the first day of April and ending on the thirtieth day of September, nineteen hundred and twenty-nine, save that in relation to any rating area as respects which the date of the first new valuation under the Rating and Valuation Act, 1925, has been postponed by order of the Minister of Health until a date later than the said first day of April the expression "current half-year" means the period beginning on such later date as aforesaid and ending on the said thirtieth day of September:

"Prescribed" means prescribed by regulations made under this Act:

"Rate" has the same meaning as in the Rating and Valuation Act, 1925:

"Revenue officer," "occupier," "draft special list" and "special list" have, respectively, the same meanings as in the First Schedule to the Rating and Valuation (Apportionment) Act, 1928.

Short title and extent

6.—(1) This Act may be cited as the Agricultural Rates Act, 1929.

(2) This Act shall not extend to Scotland or to Northern Ireland.

(3) The Minister of Health may by order direct that this Act shall, subject to such exceptions, adaptations, and modifications, if any, as may be specified in the order, extend to the Isles of Scilly, but, except as so applied, this Act shall not extend to the said Isles.

CHAPTER 27.

An Act to amend the law relating to Savings Banks, Savings Bank Annuities, and the Post Office Register. [10th May 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment as to security to be given by officer of bank. 26 & 27 Vict. c. 87.

1.—(1) The security to be given in pursuance of section eight of the Trustee Savings Banks Act, 1863, as amended by any subsequent enactment, may be either in the form required by that section as so amended or, if the Commissioners and the Inspection Committee approve, in the form of a single bond of a guarantee society guaranteeing all the persons employed by the bank or at any branch thereof who are required to give such security.

(2) When security is given in the last-mentioned form, the annual premium on the bond shall be paid by the trustees, and the trustees shall be entitled to recover from each person covered by the bond such proportion of the premium as that person's annual salary bears to the total amount of the annual salaries of the persons covered by the bond.

54 & 55 Vict. c. 21.

(3) The security required by paragraph (*f*) of section ten of the Savings Banks Act, 1891, to be given in respect of the amount received on account of special investments shall not be separate from the security required by the said section eight of the Trustee Savings Banks Act, 1863, and accordingly the said paragraph (*f*) shall have effect as if the word "separate" were not contained therein.

Trustee savings banks not to be closed

2.—(1) It shall not be lawful for the trustees of a trustee savings bank to close or dissolve the bank or cease to carry on the business of the bank or carry on

without consent of Commissioners.

business only for the purpose of winding up its affairs unless—

(*a*) the Commissioners consent; or

(*b*) the bank is ordered to be wound up in pursuance of section two hundred and sixty-eight of the Companies (Consolidation) Act, 1908.

8 Edw. 7. c. 69.

(2) The consent of the Commissioners under this section shall not be given unless and until they have satisfied themselves, after consultation with the Inspection Committee and the Association, that there are no proper persons able and willing to act as trustees and managers of the bank.

Repeal of s. 5 of Savings Bank Investment Act, 1863. 26 & 27 Vict. c. 25.

3. Section five of the Savings Bank Investment Act, 1863 (which provides that one half of the securities held by the Commissioners for savings banks shall consist of securities the interest of which is chargeable on the Consolidated Fund), shall cease to have effect.

Expenses of National Debt Commissioners and Inspection Committee to be defrayed out of surplus interest. 40 & 41 Vict. c. 13.

4.—(1) The Commissioners shall in every year, out of the amount by which the gross amount of the interest accrued during the preceding year on the securities standing in the name of the Commissioners to the credit of the Fund for the Banks for Savings appears by the account laid before Parliament under section seventeen of the Customs, Inland Revenue and Savings Banks Act, 1877, to have exceeded the gross amount of the interest paid and credited in that year to trustees of savings banks, apply, in accordance with the directions of the Treasury, such sum as the Treasury may from time to time authorise towards defraying—

(*a*) in the first place, the expenses incurred by the Inspection Committee in the exercise of any powers conferred by the enactments relating to trustee savings banks;

(*b*) in the second place, the expenses incurred by the Commissioners in the execution of the said enactments.

(2) Section fifteen of the said Act shall have effect as though the surplus of the interest accrued above the interest paid and credited were diminished by the sum

so applied, and subsection (2) of section four of the Savings Banks Act, 1891, shall have effect as if a reference to the amount available under subsection (1) of this section were substituted for the reference to the amount available under subsection (1) of that section.

Certain sums to be included in expenses of Postmaster-General and National Debt Commissioners.

5. For the purpose of any enactment (including this Act) which provides that the expenses incurred in the execution of the enactments relating to savings banks by the Postmaster-General and the Commissioners respectively are to be defrayed out of any specified fund, the expenses so incurred shall be deemed to include—

(*a*) such sum as, in the opinion of the Treasury, approximately represents the amount in each year of the accruing liability in respect of the benefits for which any officers or persons employed by the Postmaster-General and the Commissioners respectively in the execution of the said enactments will on their retirement become eligible under the Superannuation Acts, 1834 to 1919;

(*b*) such proportion of the salary, or of the said accruing liability in respect of superannuation benefits, of any officer or person who is so employed in part only in the execution of the said enactments as, in the opinion of the Treasury, is attributable to the execution of those enactments;

(*c*) any capital expenditure incurred in providing premises wholly used by the Postmaster-General and the Commissioners respectively for the purposes of the said enactments and such part of any such expenditure incurred in providing premises partly used as aforesaid as was, in the opinion of the Treasury, incurred for those purposes:

Provided that, if in any case where the amount of any such capital expenditure has been charged to the said fund the premises in respect of which the expenditure was incurred are sold or cease to be used for the said purposes, there shall be deducted from the

amount thereafter chargeable to the said fund such sum as may be determined by the Treasury to represent the then value of the premises or of that part of the premises which was used for the said purposes;

(*d*) in the case of any premises occupied by the Postmaster-General and the Commissioners respectively wholly or partly for the purposes of the said enactments and in respect of which no rent is payable, such an amount as is estimated by the Treasury to represent the rental value of the premises or of that part of the premises used for the said purposes, after allowing for any capital expenditure incurred as aforesaid which has been charged to the said fund.

Amendments as to special investments. 8 & 9 Geo. 5. c. 4.

6.—(1) Notwithstanding anything in paragraph (*d*) of subsection (2) of section one of the Trustee Savings Bank Act, 1918, the Commissioners may, if they think fit, on the application of the trustees of any trustee savings bank, authorise not more than twenty per cent. of the moneys received by the trustees in respect of special investments to be invested in any Government securities which will mature for payment not later than twenty years after the date of the investment.

(2) It shall not be necessary for the Commissioners, before authorising the trustees of a trustee savings bank in pursuance of subsection (1) of section six of the Savings Banks Act, 1904, to make special investments, to be satisfied that the bank has an aggregate cash liability to its depositors, irrespective of the amount of any special investments, of not less than two hundred thousand pounds, if

4 Edw. 7. c. 8.

(*a*) the Association concur in the recommendation of the Inspection Committee required by that subsection; and

(*b*) the Commissioners, having regard to the financial position of the bank and the size and importance of the area served by it, think it expedient in the interests of the depositors of the bank that the authority should be given.

Power to make advances to new trustee savings banks.

7. Where the Commissioners, in pursuance of section two of the Trustee Savings Banks Act, 1863, approve the formation of a new trustee savings bank, the Commissioners may, after consultation with the Association and the Inspection Committee, advance to the trustees of that bank out of such part of the separate surplus fund as stands to the credit of closed trustee savings banks such sums as they think fit for the purpose of providing for expenses incurred in connection with the formation and the initial working of the bank, and any such advance may be made on such terms and conditions and for such period as the Commissioners with the consent of the Treasury may determine.

Power to apply surplus special investment capital for land and buildings.

8.—(1) Subject as hereinafter provided, the trustees of a trustee savings bank may, with the consent of the Commissioners, apply a part of the surplus capital held by the bank on account of special investments towards the purchase of land or the provision of buildings for the purposes of the bank, and section four of the Savings Banks Act, 1904, as amended by this Act, shall have effect accordingly:

Provided that—

(*a*) the Commissioners shall not give their consent in any case if the amount proposed to be applied would, when added to any sums already applied under this section (excluding sums applied towards the purchase of any land or the provision of any buildings which have been sold), exceed twenty per cent. of the surplus capital as shown on the last annual valuation; and

(*b*) all moneys accruing from or in connection with the sale, exchange or lease of any land purchased or buildings provided under this section, or of any part of such land or buildings, shall be invested by the trustees as if they were moneys received for special investments.

(2) The value of any land purchased or buildings provided under the provisions of this section shall be taken at such an amount as the Commissioners may

from time to time fix and shall be included in the annual valuation.

(3) In this section the expression "annual valuation" means the valuation required to be made under paragraph (*e*) of subsection (2) of section one of the Trustee Savings Banks Act, 1918, and the expression "surplus capital" means the amount by which the value of the assets held by a bank on account of special investments at the date of the annual valuation is found on that valuation to exceed the aggregate liability of the bank on account of or in connection with special investments.

Power to undertake business calculated to encourage thrift.

9.—(1) It shall be lawful for the trustees of a trustee savings bank, with the consent of the Commissioners given after consultation with the Inspection Committee and the Association and subject to such conditions as the Commissioners after such consultation as aforesaid may impose either generally or in the case of any particular bank, to undertake any business which is, in the opinion of the Commissioners, of a nature ancillary to the purposes of the bank and calculated to encourage thrift and within the financial capacity of the bank.

(2) Any expenses properly incurred by a bank in carrying on any such business shall be deemed part of the necessary expenses of the bank within the meaning of section two of the Trustee Savings Banks Act, 1863.

Amendment as to restriction on number of accounts and double deposits. 50 & 51 Vict. c. 40.

10.—(1) Section thirty-eight of the Trustee Savings Banks Act, 1863 (which prohibits double accounts in trustee savings banks) except in so far as it prohibits a depositor in a trustee savings bank from having an account at any other trustee savings bank, and subsection (2) of section one of the Savings Banks Act, 1887 (which provides that regulations shall prohibit a person from being a depositor in both a trustee savings bank and the Post Office Savings Bank or from having two separate accounts in the Post Office Savings Bank) shall cease to have effect, and accordingly subsection (1) of section twelve of the Savings Banks Act, 1891, shall have effect as if there were substituted for the words "has a deposit in more than one savings bank" the words "has a deposit in more than one trustee savings bank."

(2) Regulations may be made by the Treasury with the concurrence of the Commissioners prescribing what declaration shall be required from a depositor on opening an account in a trustee savings bank and regulations may be made under section eleven of the Post Office Savings Bank Act, 1861, prescribing what declaration shall be required from a depositor, other than the Public Trustee, on opening an account in the Post Office Savings Bank. 24 & 25 Vict. c. 14.

(3) For the purposes of section one of the Savings Bank Act, 1920, and any regulations made thereunder each account opened by the Public Trustee in the Post Office Savings Bank shall be deemed to be the account of a separate depositor, but the Public Trustee shall not open more than one account in relation to any one trust. 10 & 11 Geo. 5. c. 12.

(4) The proviso to subsection (1) of section one of the Savings Banks Act, 1920, (which empowers the Treasury by order to limit the amount which may be received by savings bank authorities from any person either in any one year or in the aggregate) shall have effect as if for the words "which may be so received from any person" there were substituted the words "which may be received by the Postmaster-General "and by a trustee savings bank respectively from any "person."

Limit of savings bank annuities. 16 & 17 Vict. c. 45. 27 & 28 Vict. c. 43. 45 & 46 Vict. c. 51.

11. The limit of the amount of an annuity granted to any one person under the Government Annuities Act, 1853, the Government Annuities Act, 1864, and the Government Annuities Act, 1882, shall be three hundred pounds a year instead of one hundred pounds a year.

Amendment with respect to Post Office register and investment of savings bank deposits in Government stock. 5 & 6 Geo. 5. c. 93. 8 & 9 Geo. 5. c. 25. 43 & 44 Vict. c. 36.

12.—(1) Any description of Government stock as hereinafter defined may be inscribed or registered in the Post Office register, and the War Loan (Supplemental Provisions) Act, 1915, as amended by section two of the War Loan Act, 1918, shall have effect accordingly.

(2) As from the commencement of this Act—

(*a*) the amount of stock credited to a depositor in pursuance of subsection (3) of section three of the Savings Banks Act, 1880, out of stock standing to the savings bank investment account of the Commissioners shall be treated

as being inscribed in the name of that depositor in the Post Office register; and

(*b*) the stock standing to the savings bank investment account of the Commissioners shall be deemed to be held by them in respect of the stock inscribed in the Post Office register by virtue of the foregoing provision; and

(*c*) the stock register established by any savings bank authority in pursuance of the Savings Banks Act, 1880, shall be deemed part of the Post Office register; and

(*d*) certificates of investments in Government stock issued to savings bank depositors in pursuance of the Savings Banks Act, 1880, shall be deemed, until exchanged for new certificates issued in pursuance of this section, certificates of stock registered in the Post Office register.

(3) The power of the Treasury to make regulations under subsection (2) of section one of the War Loan (Supplemental Provisions) Act, 1915, shall include power to make regulations containing such consequential and supplemental provisions as appear necessary or expedient for giving full effect to the foregoing provisions of this section and shall include power to make separate regulations, with the consent of the Commissioners, with respect to any part of the Post Office register kept by the trustees of a trustee savings bank.

11 & 12 Geo. 5. c. 32.

(4) Paragraph 1 of the Third Schedule to the Finance Act, 1921, shall be amended by omitting the words "in the case of Government stock standing to "the credit of any person in the stock register of a "trustee savings bank, at that bank," and by substituting the following proviso for proviso (*a*)—

"(*a*) in the case of stock inscribed in the name of any person in a part of the Post Office register kept by a trustee savings bank, payment may be made by crediting the amount of the payment to the account of that person at that bank."

(5) In this section the expression "Government stock" has the same meaning as in the Savings Bank Act, 1893, as amended by any subsequent enactment.

(6) The War Loan (Supplemental Provisions) Act, 1915, as amended by the War Loan Act, 1918, and by this section, shall so far as it relates to the Post Office register extend to the Isle of Man.

Amendment as to investment by Commissioners.

13. There shall be included among the securities in which the Commissioners may invest in pursuance of section nine of the Post Office Savings Bank Act, 1861, section three of the Savings Bank Investment Act, 1863, and section nineteen of the Trustee Savings Banks Act, 1863, any securities issued in respect of any loan raised by the Government of Northern Ireland.

Superannuation allowances to, and gratuities in case of death of, officers of trustee savings banks.

14.—(1) The trustees of a trustee savings bank may with the consent of the Inspection Committee—

(*a*) grant to an officer of the bank who has served for not less than ten years as an officer of trustee savings banks, and who retires from his office on becoming incapable of discharging the duties thereof by reason of old age or permanent infirmity of mind or body:

(i) an annual allowance not exceeding one-eightieth of the annual salary and emoluments of his office for each year of service as such an officer, subject to a maximum of forty-eightieths thereof; and

(ii) an allowance by way of lump sum not exceeding one-thirtieth of the annual salary and emoluments of his office for each year of such service, subject to a maximum of forty-five thirtieths thereof; and

(*b*) grant to the legal personal representative of any such officer who, after ten years' service as such, dies while still employed in the service of the bank, a gratuity of an amount not exceeding the annual salary and emoluments of his office; and

(*c*) grant to the legal personal representative of any such officer who, after becoming entitled to an annual allowance, dies after he has retired from the service, and in whose case the sums actually received by him at the time of his death on account of the annual allowance together with the sum received by him by way

of lump sum allowance are less than the amount of the annual salary and emoluments of his office, a gratuity not exceeding the deficiency.

(2) Any sums payable under this section shall be paid as part of the current expenses of the bank, or with the sanction of the Inspection Committee, out of any moneys standing to the credit of the bank in the separate surplus fund.

(3) An annual allowance under this section shall only be continued so long as, in the opinion of the Inspection Committee, the funds of the bank admit of its payment.

Superannuation allowances to, and gratuities in case of death of, officers of Inspection Committee.

15.—(1) Subject to the consent of the Treasury given on the recommendation of the Commissioners, the Inspection Committee shall have the same power of granting superannuation allowances and gratuities to officers of the Committee and to the legal personal representatives of such officers as is by subsection (1) of the last preceding section of this Act conferred on the trustees of a trustee savings bank with respect to officers of the bank and their legal personal representatives.

(2) The amounts payable under this section shall, for the purpose of the provisions of this Act relating to the manner in which the expenses of the Inspection Committee are to be defrayed, be deemed to be expenses incurred by the Committee in the exercise of their powers.

Vesting of property of trustee savings bank in custodian trustees.

16.—(1) All property of whatsoever description belonging to a trustee savings bank, including things in action or interests arising out of or incident to any property, shall be vested in the custodian trustees of the bank to be appointed under this section.

(2) It shall be the duty of the trustees of every trustee savings bank (in this section referred to as "the general trustees") as soon as may be after the commencement of this Act to appoint out of their own number four persons to be the custodian trustees of the bank, and from time to time, when a vacancy occurs in the number of the custodian trustees, to appoint out of their own number a person to fill the vacancy.

(3) If the general trustees of a trustee savings bank fail within three months after the commencement of this Act or the occurrence of a vacancy, as the case may be,

to appoint custodian trustees of the bank or to fill a vacancy in the number of the custodian trustees, the powers of the general trustees to make the appointment or fill the vacancy shall be transferred to the Inspection Committee, and the Committee shall make the appointment or fill the vacancy accordingly.

(4) The Inspection Committee may, on the application of the general trustees of a trustee savings bank, remove any custodian trustee of the bank if, in the opinion of the Committee, he is unfit to continue in office or incapable of performing his duties, and a custodian trustee may, with the approval of the Inspection Committee, resign his office as such.

(5) A custodian trustee may continue to hold office as a general trustee, and may continue to hold office as custodian trustee notwithstanding that he has ceased to be a general trustee.

(6) All property of whatsoever description vested in any person in trust for a trustee savings bank at the date of the first appointment of the custodian trustees of the bank shall, by virtue of this Act vest in the custodian trustees so appointed, and thereafter all property of whatsoever description vested in the custodian trustees of a trustee savings bank shall, on the occurrence of any vacancy in the number of custodian trustees or any change in the persons who are custodian trustees, by virtue of this Act, vest in the custodian trustees of the bank for the time being:

Provided that, on there ceasing to be any custodian trustees of a bank, the property shall thereupon, by virtue of this Act, vest in the general trustees of the bank until the appointment of new custodian trustees.

(7) The management of the property and the exercise of any power or discretion exerciseable by the general trustees shall remain vested in the general trustees, and the custodian trustees shall concur in and perform all acts necessary to enable the general trustees to exercise their powers of management or other power or discretion vested in them.

(8) The custodian trustees of a trustee savings bank may sue and be sued by the name of "the Custodian Trustees for the Trustee Savings Bank" without further description, and in all legal proceedings

concerning any property of the bank the property may be stated to be the property of the custodian trustees of the bank:

Provided that nothing in this section shall affect any proceedings by or against or relating to the property of a trustee savings bank, which are pending at the time of the first appointment of custodian trustees for that bank.

(9) The Commissioners shall in respect of each trustee savings bank keep a register of the custodian trustees of the bank, and shall enter in the register the date of the appointment of each custodian trustee and, on his vacating office, the date on which he vacates office.

(10) A certificate purporting to be signed by the Comptroller-General or Assistant Comptroller of the National Debt Office to the effect that the persons named in the certificate were on any specified date custodian trustees of a trustee savings bank or that any property mentioned in the certificate was, at the date of the first appointment of custodian trustees for a trustee savings bank, held by a person named in the certificate in trust for that bank, shall be conclusive evidence for all purposes of the facts stated in the certificate.

(11) The general trustees of every savings bank shall forthwith, after the appointment of custodian trustees, send to the Commissioners such particulars as the Commissioners may require for the purposes of the last two foregoing subsections, and thereafter shall from time to time send to the Commissioners such particulars as the Commissioners may require for the purposes of the said register.

(12) Any person acting in pursuance of any such certificate shall not by reason only of anything contained therein be affected with notice of any trust or of the fiduciary character of the persons named therein or of any fiduciary obligation attached to the holding of any property.

(13) On the first appointment of custodian trustees of a bank, section ten of the Trustee Savings Banks Act, 1863, shall cease to have effect in relation to that bank.

(14) In section four of the Savings Banks Act, 1904, the words "of a trustee savings bank" shall be inserted after the word "trustees" where that word first appears, and the word "custodian" shall be inserted before the words "trustees for the time being."

Accounts to be presented by National Debt Commissioners with respect to trustee savings banks.

17.—(1) The Commissioners shall at the close of each year ending on the twentieth day of November prepare an account with respect to trustee savings banks and friendly societies respectively containing such particulars and in such form as the Treasury may direct.

(2) The account so prepared shall be transmitted to the Treasury as soon as may be after it is made, and shall be laid before Parliament not later than the fifteenth day of February in each year, or, if Parliament be not then sitting, within ten days after the next assembly of Parliament.

(3) The provisions of this section shall have effect in substitution for the provisions of sections sixty and sixty-one of the Trustee Savings Banks Act, 1863.

Regulations as to form and execution of documents.

18.—(1) The Treasury shall have power, with the concurrence of the Commissioners, to make regulations prescribing the manner in which and the persons by whom any document required by the Post Office Savings Bank Act, 1861, the Post Office Savings Bank Act, 1863, and the Trustee Savings Banks Act, 1863, to be used in connection with a trustee savings bank is to be signed or executed, and the provisions of the said Acts with respect to the manner in which or persons by whom any particular document is to be signed or executed shall, in so far as they conflict with any regulations made under this section, cease to have effect as from the date when the regulations come into force.

(2) The certificate required to be furnished in pursuance of section forty of the Trustee Savings Banks Act, 1863, in connection with the transfer of a depositor's account from one trustee savings bank to another shall, instead of being in the form prescribed by that section, be in such form as may be prescribed by the Commissioners under section sixty-four of that Act.

Interpretation.

19. In this Act—

The expression "the Association" means the association registered under the Companies

Acts, 1908 to 1917, by the name of the Trustee Savings Banks Association:

The expression "the Commissioners" means the National Debt Commissioners:

The expression "Inspection Committee" means the inspection committee of trustee savings banks established under section two of the Savings Banks Act, 1891:

The expression "separate surplus fund" means the fund created in pursuance of section twenty-nine of the Trustee Savings Banks Act, 1863:

The expression "special investments" means investments made in pursuance of section sixteen of the Trustee Savings Banks Act, 1863:

The expression "trustee savings bank" means a bank certified under the Trustee Savings Banks Act, 1863.

Short title, application, construction and repeals.

20.—(1) This Act may be cited as the Savings Banks Act, 1929.

(2) This Act, so far as it relates to the Post Office Savings Bank, shall be construed as one with the Post Office Savings Banks Acts, 1861 to 1908, and so far as it relates to trustee savings banks shall be construed as one with the Trustee Savings Banks Acts, 1863 to 1920.

(3) This Act shall extend to the Channel Islands and the Isle of Man, and shall be registered by the Royal Courts of the Channel Islands.

(4) The enactments set out in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(5) This Act shall come into force on the twenty-first day of November, nineteen hundred and twenty-nine.

SCHEDULE.

Section 20.

Enactments repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
26 & 27 Vict. c. 25.	The Savings Bank Investment Act, 1863.	Section five.
26 & 27 Vict. c. 87.	The Trustee Savings Banks Act, 1863.	As from six months after the commencement of this Act, section ten: in section thirty-five the words "the "same or": in section thirty-seven the words "the same or" and "by this Act": in section thirty-eight the words "in the same or any other savings bank" and the words "any other account at the same or" and the words from "and that every "person" to the end of the section: in section thirty-nine the words "the same or": in section forty the words from "and every such certificate" to the end of the section: sections sixty and sixty-one: in section sixty-six the words from "and out of the fund" to the end of the section: Schedule B.
43 & 44 Vict. c. 36.	The Savings Banks Act, 1880.	The whole Act excepting sections five, six and eight.
47 & 48 Vict. c. 23.	The National Debt (Conversion of Stock) Act, 1884.	Section five.
50 & 51 Vict. c. 40.	The Savings Banks Act, 1887.	Subsection (2) of section one; sections five and seven.

Session and Chapter.	Short Title.	Extent of Repeal.
51 & 52 Vict. c. 2.	The National Debt (Conversion) Act, 1888.	Section sixteen.
54 & 55 Vict. c. 21.	The Savings Banks Act, 1891.	Subsection (1) of section four: in paragraph (*f*) of section ten the word "separate": in subsection (1) of section twelve the words "or has deposits "standing to the credit of "more than one account in "the same savings bank in "the United Kingdom," the words "in the case of deposits "to the credit of more than "one account in a post office "savings bank, the Post-"master-General, and in any "other case," and the words from "or from having "deposits" to the end of the subsection, and in subsection (2) of that section the words "and may pro-"vide that the addition of "such names shall not be "deemed to be the opening "of a new account in the "bank."
56 & 57 Vict. c. 69.	The Savings Banks Act, 1893.	Section four and subsection (1) of section five.
4 Edw. 7. c. 8.	The Savings Banks Act, 1904.	Section three; as from six months after the commencement of this Act, in section four the words from "Section ten" to "added thereto."
8 Edw. 7. c. 52.	The Post Office Savings Bank (Public Trustee) Act, 1908.	The whole Act.
8 Geo. 5. c. 4.	The Trustee Savings Banks Act, 1918.	Subsection (2) of section three

Session and Chapter.	Short Title.	Extent of Repeal.
10 & 11 Geo. 5. c. 12.	The Savings Banks Act, 1920.	In subsection (1) of section one the words " or on the amount " of Government stock which " may be credited by a " savings bank authority to " the account of any de- " positor " and the words " or the amount of Govern- " ment stock which may be " so credited to any person " whatsoever either in one " year or in the aggregate." and in paragraph (*c*) of subsection (2) of that section the words " or in whose case " the Government stock " credited at that date ex- " ceeds the limit fixed by " the order as regards the " Government stock," and in section eight the words " either a depositor in a " savings bank to whom " Government stock has been " credited or ".
11 & 12 Geo. 5. c. 32.	The Finance Act, 1921.	In paragraph one of the Third Schedule, the words " in the " case of Government stock " standing to the credit of " any person in the stock " register of a trustee savings " bank, at that bank," and proviso (*a*) to that paragraph.

CHAPTER 28.

An Act to permit the issue by Friendly Societies and Industrial Assurance Companies of policies of assurance on the duration of certain lives for a specified period, to validate certain endowment policies issued by such societies and companies, to exclude repayments of premiums under endowment policies from the computation of the maximum sums which may be paid on death by such societies and companies, and to make provision as to the rights of owners of certain endowment policies upon the surrender thereof.

[10th May 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of purposes for which policies may be issued.

1.—(1) Amongst the purposes for which registered friendly societies and industrial assurance companies may issue policies of assurance, there shall be included insuring money to be paid to the member or person assured on the duration for a specified period of the life of his parent, child, grand-parent, grandchild, brother or sister, either with or without provision for the payment of money in the event of the death of any such person before the expiration of the period:

Provided that no such society or company shall insure or pay on the death of any person under such a policy as aforesaid, issued after the commencement of this Act, any sum of money exceeding a reasonable amount for funeral expenses.

(2) The issuing of such policies by a collecting society or an industrial assurance company shall, unless the premiums in respect thereof are payable at intervals of two months or more, be treated as part of the industrial assurance business of the society or company.

(3) In relation to such policies, subsection (2) of section four of the Industrial Assurance Act, 1923 (which makes provision as to the persons to whom payments may be made on the death of a child under ten years of age), shall, in lieu of section sixty-three of the Friendly Societies Act, 1896, apply to all registered friendly societies as it applies to collecting societies. 13 & 14 Geo. 5. c. 8. 59 & 60 Vict. c. 25.

Provisions as to repayment of premiums.

2. For the purpose of calculating the maximum sum which may be insured or paid under the last foregoing section or under section sixty-two of the Friendly Societies Act, 1896, no account shall be taken of any repayment of the whole or any part of the premiums paid in respect of any endowment policy, and sections sixty-three to sixty-six of that Act and subsection (2) of section four of the Industrial Assurance Act, 1923, shall not apply as respects any such repayment.

Rights of owners of certain endowment policies.

3.—(1) Where under any policy to which this section applies not less than one year's premiums have been paid, the owner of the policy shall be entitled at any time within one year from the date on which the last premium was paid or, if no premium has been paid since the date of the commencement of this Act, within one year from that date, to surrender the policy and to claim either—

(*a*) a free paid-up policy in conformity with the rules contained in the Schedule to this Act; or

(*b*) payment of a surrender value equal to ninety per cent. of the value of the sum or sums payable under such a free paid-up policy as aforesaid, calculated in accordance with the last four rules contained in the Fourth Schedule to the Industrial Assurance Act, 1923,

and if any society or company fails to comply with any claim made in accordance with the provisions of this subsection, then, without prejudice to any other liability, the society or company shall, in the case of a friendly society not being a collecting society, be guilty of an offence under the Friendly Societies Act, 1896, and, in the case of a collecting society or industrial assurance company, be guilty of an offence under the Industrial Assurance Act, 1923.

(2) This section applies to any policy issued, or deemed under this Act to have been issued, in accordance with the provisions of section one of this Act and to any other endowment policy issued on the life of a child under ten years of age, being in either case a policy in force at some time after the thirty-first day of December, nineteen hundred and twenty-three.

(3) Every policy to which this section applies and every premium receipt book in respect of such a policy, being a policy or book issued after the thirtieth day of September, nineteen hundred and twenty-nine, by a collecting society or an industrial assurance company, shall set out the provisions of this section, and of the Schedule to this Act, printed in distinctive type, or, if the Industrial Assurance Commissioner consents, a statement in lieu thereof which, in the opinion of the Commissioner, sufficiently sets forth the effect of those provisions; and no registered friendly society shall, after the thirtieth day of September nineteen hundred and thirty, issue any policy to which this section applies unless the rules of the society contain a rule which, in the opinion of the Registrar of Friendly Societies, sufficiently sets forth the effect of the said provisions.

(4) If any such policy or premium receipt book as aforesaid does not comply with the provisions of the last foregoing subsection, or if any policy is issued in contravention of the said provisions, the society or company effecting the insurance shall in the case of a friendly society, not being a collecting society, be guilty of an offence under the Friendly Societies Act, 1896, and in the case of a collecting society or industrial assurance company, be guilty of an offence under the Industrial Assurance Act, 1923.

(5) Every collecting society and industrial assurance company shall cause every collector of the society or company to deliver, at least once within three months after the commencement of this Act, at every house or other place at which he makes a visit for the purpose of receiving a premium payable on a policy of insurance on human life, a notice, in a form approved by the Commissioner, setting forth the effect of the provisions of this section and of the Schedule to this Act, and if any

collector fails to deliver any notice in accordance with the requirements of this subsection he and the society or company of which he is a collector shall be guilty of an offence under the Industrial Assurance Act, 1923.

Retrospective operation of Act.

4. Any endowment policy issued before the first day of January, nineteen hundred and twenty-four, which would have been in force on that date if this Act had been in operation on and from the date on which the policy was issued shall be deemed for the purposes of this Act to have been in force on the said first day of January and, in the case of a policy of the description mentioned in section one of this Act, to have been issued in accordance with the provisions of that section, and as respects any endowment policy in force on, or issued since, that date, this Act shall be deemed to have been in operation on and from the date on which the policy was issued.

Short title, citation, construction and extent.

5.—(1) This Act may be cited as the Industrial Assurance and Friendly Societies Act, 1929, and this Act and the Industrial Assurance Acts, 1923 and 1926, may be cited together as the Industrial Assurance Acts, 1923 to 1929, and this Act and the Friendly Societies Acts, 1896 to 1924, may be cited together as the Friendly Societies Acts, 1896 to 1929.

(2) For the purposes of this Act—

"Policy" includes any contract of assurance and the date of the making of any such contract shall be deemed to be the date of the issue of a policy; and

"Endowment policy" means a policy issued or deemed under this Act to have been issued in accordance with the provisions of section one of this Act, or a policy insuring money to be paid on the duration for a specified period of the life of the member or person assured, either with or without provision for the payment of money in the event of the death of that person before the expiration of the period.

(3) References in this Act to the Friendly Societies Act, 1896, and to the Industrial Assurance Act, 1923, shall be construed as references to those Acts as amended or applied by any subsequent enactment, and

this Act in its application to collecting societies and industrial assurance companies shall be construed as one with the Industrial Assurance Acts, 1923 and 1926, and in its application to friendly societies, not being collecting societies, shall be construed as one with the Friendly Societies Acts, 1896 to 1924.

(4) This Act shall extend to Great Britain, the Isle of Man and the Channel Islands.

Section 3.

SCHEDULE.

RULES AS TO FREE PAID-UP POLICIES.

1. The free paid-up policy shall assure payment on the events on which the sums assured by the surrendered policy were payable, of sums bearing the same proportion to those sums (including any addition by way of bonus) as the amount of the premiums actually paid under the surrendered policy bears to the amount of the premiums which would have been payable under the surrendered policy had the full number of premiums become payable thereunder:

Provided that, where any sum has been paid by the society or company under the surrendered policy, before the surrender thereof, the sums assured by the free paid-up policy shall be computed on such basis as may be approved by the Industrial Assurance Commissioner.

2. Where the surrendered policy provided for payment of a sum by way of return of premium on any event, the free paid-up policy shall provide that on that event such part of the premiums actually paid under the surrendered policy shall be repaid as would have been repayable on that event if the surrendered policy had remained in force.

CHAPTER 29.

An Act to consolidate the Government Annuities Acts, 1829 to 1888, and the enactments amending those Acts. [10th May 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Part I.

Government Annuities.

Power to grant annuities.

1.—(1) Subject to the provisions of this Part of this Act, the National Debt Commissioners (in this Act referred to as the Commissioners), may grant—

(*a*) immediate or deferred life annuities, that is to say, annuities depending on a single life, or on two joint lives and the life of the survivor, or on the joint continuance of two lives:

(*b*) immediate or deferred annuities for years, that is to say, annuities to continue for a certain limited term of years:

Provided that no deferred annuity for years shall be granted to commence after the death of any specified person.

(2) The Commissioners may refuse to grant any annuity under this Part of this Act in any case where there are, in the opinion of the Commissioners, sufficient grounds for refusing so to do.

Consideration for annuities.

2.—(1) The Commissioners may accept as consideration for an annuity—

(*a*) the transfer of any amount, not less than one hundred pounds, of Government stock; or

(*b*) the transfer of any amount of annuities for a certain term of years, payable as part of the permanent annual charge for the National Debt, or the payment of money, in each case equal in value to not less than one hundred pounds of consolidated stock; or

(*c*) in the case of a deferred life annuity, the payment in money of a sum not less than five pounds a year payable at such time or times in each year and subject to such regulations as the Commissioners may direct:

Provided that, where the annuity is a further annuity granted to the same person who purchased a former annuity, and depending on the same life or lives, the consideration may be any amount not less than twenty pounds of Government stock, or the equivalent of twenty pounds of consolidated stock in terminable annuities or money.

(2) Transfers of stock and annuities and payment of money for the purchase of annuities shall be accepted at such days and times only as the Commissioners may by notice in the London Gazette appoint for the purpose.

(3) For the purposes of this Act the expression "Government stock" means stock, annuities and securities of the following classes (not being stock, annuities or securities registered in the Post Office Register), that is to say:—

51 & 52 Vict. c. 2.

(*a*) two and a half per cent. consolidated stock within the meaning of the National Debt (Conversion) Act, 1888 (in this Act referred to as consolidated stock);

(*b*) perpetual annuities payable as part of the permanent annual charge for the National Debt;

(*c*) any securities (in this Act referred to as war securities) issued under the War Loan Acts, 1914 to 1919.

Conditions as to nominee.

3. A person purchasing a life annuity may nominate himself or any other person as a person on whose life the annuity is to depend (in this Part of this Act referred to as a nominee), so, however, that a nominee must be of the age of fifteen years or upwards at the time of nomination, and must, unless he is also the purchaser, or one of the purchasers, be a native of and usually resident within the United Kingdom, the Isle of Man or the Channel Islands.

Declarations, &c. required in respect of life annuities.

4.—(1) Before any stock or annuities are transferred, or money is paid, to the Commissioners for the purchase of a life annuity, there shall be delivered to the Comptroller-General or other officer acting under the Commissioners a declaration signed by the person desirous of purchasing the annuity, or by a person on his behalf, stating the name of the person by whom or on whose behalf the annuity is to be purchased, the name of the nominee, or, as the case may be, the names of both the nominees, and such other particulars as the Commissioners may direct, and there shall also be produced to such officer such proof of age of the nominee or each nominee as may appear to the Commissioners to be satisfactory, and such declaration of identity, as is in this section mentioned:

Provided that, where any person proposed as a nominee is a person on whose life an annuity has previously been granted it shall not be necessary to produce further proof of the age of that person, but where the person desirous of purchasing the annuity is not the same as the person who purchased the previous annuity depending on the life of that nominee, a declaration as to the identity of the proposed nominee with the person on whose life the previous annuity was granted shall be produced to the Commissioners.

(2) The declaration of identity required shall be a declaration by the purchaser of the annuity or one of the purchasers, or by some person on his or their behalf, that the person named in the certificate of birth or baptism, or declaration as to age, tendered in proof of age is the person who is appointed to be nominee.

(3) Where a certificate of the baptism and not of the birth of any person is produced, the age of that

person shall for the purposes of this Part of this Act be calculated as if he had been born on the date of baptism.

Declaration required in respect of annuities for years.

5. A person intending to purchase an annuity for years, or some person on his behalf, shall sign and produce to the Commissioners such a declaration of his intention as the Commissioners may approve.

Amount of annuity.

6.—(1) The annuity to be granted shall be calculated and ascertained according to the age of the nominee, or the continuance of the term, as the case may be, and according to the average price of consolidated stock on the day preceding the date of the authority or certificate hereinafter mentioned.

(2) Where the consideration for the annuity is consolidated stock, the annuity shall be of such amount as the consolidated stock would purchase according to such tables approved by the Treasury under this Part of this Act as are for the time being in force.

(3) Where the consideration for the annuity consists of other Government stock or annuities or money, the stock, annuities or money shall first be converted into terms of consolidated stock, according, in the case of stock or annuities, to the average price thereof, to be ascertained as hereinafter mentioned, and the annuity shall be calculated with reference to the amount of consolidated stock produced by such conversion, and whenever the consideration is a sum of money, a charge of two shillings and sixpence shall be made for every entire one hundred pounds of consolidated stock produced by such conversion as aforesaid.

(4) Where the amount of the annuity so calculated produces a fraction less than fourpence, the fractional part of the annuity less than fourpence shall be omitted from the annuity.

(5) For the purposes of ascertaining the average price of stock and annuities according to which the amount of annuity to be granted under this Part of this Act is to be so calculated, the Bank of England shall on every day on which any Government stock or annuities have been bought at the Bank of England cause to be made out and transmitted to the Comptroller-General

an account of the average price at which such stock and annuities have been bought on that day, and a copy of the account shall be put up in some conspicuous place in the office of the Comptroller-General, for the purpose of enabling persons to ascertain the price at which stock or annuities may be transferred or money laid out in the purchase of annuities.

(6) If no stock or annuities have been so bought on any day, the calculation shall be made in accordance with the average price of the stock or annuities on the nearest preceding day.

(7) The amount of every annuity shall be calculated and ascertained by the Comptroller-General or other officer acting under the Commissioners, and checked by the actuary or other check officer of the check branch in the office of the Commissioners.

Provisions as to payment of consideration.

7.—(1) Where in the case of a life annuity the necessary proofs of age and identity have been produced and the amount of the annuity checked as aforesaid, the Comptroller-General or other officer of the Commissioners shall give to the purchaser of the annuity an authority for the Bank of England to accept the consideration for the annuity.

(2) Where in the case of an annuity for years the necessary declaration has been produced and the amount of the annuity checked as aforesaid, the Comptroller-General or other officer of the Commissioners shall grant a certificate to the purchaser, and transmit a duplicate of the certificate to the Bank of England, and shall also when the consideration consists of a money payment give to the purchaser an authority for the Bank of England to accept the payment.

(3) As soon as the transfer or payment of the consideration has been made in the case of a life annuity, the Commissioners shall give a receipt to the person by whom or on whose behalf the transfer or payment is made.

(4) As soon as the transfer or payment of the consideration has been made in the case of an annuity for years, the Bank, upon the production of such original

certificate as aforesaid, shall give a receipt to the person by whom or on whose behalf the transfer or payment is made.

(5) Such receipt as aforesaid shall be a discharge for the stock or annuities transferred or the moneys paid as consideration, and the purchaser shall thereupon become entitled to the annuity.

(6) As soon as the purchaser has become so entitled to the annuity he shall, in the case of a life annuity, if so required by the Commissioners, sign an acceptance thereof in the books of the Commissioners himself or by his duly authorised agent, and in the case of an annuity for years, if so required by the Bank of England, sign an acceptance thereof in the books of the Bank of England himself or by his duly authorised agent.

(7) No such authority as aforesaid, and, when stock or annuities are transferred as consideration for an annuity for years, no such certificate as aforesaid, shall continue valid to authorise the transfer of stock or annuities or the payment of money being made after the expiration of five days from the date of the authority or certificate.

(8) Any person appointed by the Commissioners for the purpose is hereby authorised to accept the transfer of stock or annuities under this section.

(9) Any sum of money paid to the Bank of England upon production of any such authority as aforesaid shall be accepted by the Bank.

Security for and payment of annuities.

8.—(1) All immediate life annuities and all annuities for years, whether immediate or deferred, shall be charged on the Consolidated Fund and issued thereout or out of the growing produce thereof at such times as the Treasury may direct.

27 & 28 Vict. c. 46.

(2) All deferred life annuities shall be charged on and paid out of the fund established under the Government Annuities (Investments) Act, 1864, and regulated by Part III of this Act, which fund is hereinafter in this Act referred to as the "Government Annuities Investment Fund."

Times of payment.

9.—(1) All annuities granted under this Part of this Act shall be payable quarterly, on the fifth day of January, the fifth day of April, the fifth day of July, and the fifth day of October, in each year.

(2) The first quarterly payments of such annuities (other than deferred annuities) shall be made on the days of payment specified in the First Schedule to this Act.

(3) On the expiry of a life annuity by reason of the death of a single nominee, or of the survivor of two joint nominees, or of either of two joint nominees, a sum equal to one-fourth part of the annuity, over and above all quarterly arrears thereof, shall, if claimed within two years after the death of that nominee, but not otherwise, be payable to the person entitled to the annuity, or to his executors, administrators or assigns, as the case may be, at any time after the expiration of thirty days after proof of the death:

Provided that such sum shall not be payable in respect of any deferred life annuity unless one quarterly payment of the annuity has been made or has become due at the time of the death of the nominee.

Mode of payment of life annuities.

10.—(1) The quarterly payments of life annuities shall be made by the Commissioners by warrants, addressed to the Bank of England, upon proof of the existence of the nominee, or, if the annuity depends on two joint lives and the life of the survivor, of either of the nominees, or, if the annuity depends on the joint continuance of two lives, of both the nominees, either—

(*a*) by the personal appearance of such nominee or nominees before an officer of the Commissioners on the quarterly day for payment or some day subsequent thereto; or

(*b*) by the production of such certificate and declaration as are in this section mentioned; or

(*c*) by other evidence to the satisfaction of the Commissioners.

(2) The certificate so required shall be a certificate by any person prescribed in that behalf by a warrant of the Treasury that the nominee was living on a day specified in the certificate, being the quarterly day for payment, or some day subsequent thereto.

(3) The declaration so required shall be a declaration by a person entitled to the life annuity, or some person on his behalf, stating that the person mentioned in the certificate is the nominee or one of the nominees on whose life the annuity depends, and where an annuity depends on the life of two nominees and the life of the survivor, the declaration, if referring to one only of the nominees, shall state whether the other of the two nominees is living or dead, and, if living, his usual place of residence, or that the person making the declaration is wholly ignorant whether such other nominee is living or dead, or of his place of residence, as the case may be.

(4) Where two or more annuities have been granted upon the life of the same nominee, then—

(*a*) if the existence of the nominee has been proved by his personal appearance before an officer of the Commissioners for the purpose of one of those annuities, no further proof of his existence shall be required in respect of any other such annuity; and

(*b*) if a certificate of the existence of the nominee has been produced in accordance with the provisions of this section by a person entitled to one annuity, it shall not be necessary for a person entitled to another such annuity to produce a certificate, but a declaration by or on behalf of the person entitled to such other annuity as to the identity of the person to whom the certificate relates with the person on whose life his annuity depends shall be sufficient.

Mode of payment of one-fourth of life annuity on expiration of annuity.

11.—(1) The sum equal to one-fourth of a life annuity payable under this Part of this Act on the expiration of the annuity, shall (with all quarterly arrears) be paid by the Commissioners by warrant addressed to the Bank of England, on production to the proper officer of the Commissioners of a certificate of the death or burial of the nominee on whose death the annuity expired, together with a declaration as to the identity of the person named in the certificate with that nominee, which declaration shall also state the date of his death:

Provided that, where it is proved to the satisfaction of the Commissioners that such certificate as aforesaid cannot be produced, the Commissioners may admit such

other evidence of the death of the nominee as in each case may be considered sufficient.

(2) Certificates of death or burial for the purpose of this section shall specify the date of death or burial, and shall be given by such persons as are authorised by a warrant of the Treasury.

(3) Extracts or copies from the registers of the Society of Friends (commonly called Quakers) or from the register of any Nonconformist or Roman Catholic chapel or any non-parochial chapel, if certified by the registrar or other person keeping the register, shall be accepted as evidence of death or burial.

Mode of payment of annuities for years.

12.—(1) The quarterly payments of annuities for years shall be made at the Bank of England.

(2) All annuities for years granted under this Part of this Act shall be carried to the separate account in the books of the Bank of England and the books of the Commissioners to which such annuities have heretofore been carried, and the account shall be known under the title of "Annuities for terms of years granted by the National Debt Commissioners."

Transfers of life annuities.

13.—(1) Life annuities shall be transferable in the books of the Commissioners in such form and subject to such regulations as the Commissioners may approve:

Provided that every such annuity shall only be transferable entire and not in parts or shares.

(2) Annuities for years shall be transferable entire or in parts in the books of the Bank of England during the continuance of the terms for which the annuities are severally granted.

(3) On the transfer of an annuity the person to whom the transfer is made shall, if the Commissioners or the Bank of England so require, sign his acceptance thereof himself or by his duly authorised agent.

Forfeiture of deferred annuities for non-payment of instalments.

14. Where the consideration for any deferred life annuity is payable by means of annual sums and default is made in paying such sums in accordance with the agreement made with the Commissioners the right to the annuity shall be extinguished and no person shall have the right to claim the repayment of any sums which may have been paid in respect thereof.

Unclaimed annuities.

15.—(1) The Commissioners shall, on the fifth day of January in every year, make up an account of all life annuities which have remained unclaimed for the space of the last three years, and all annuities so remaining unclaimed, together with the unclaimed quarterly arrears thereof, and all life annuities which may have expired, and all quarterly arrears thereof, shall cease to be charged upon and shall not be issued out of the fund on which they are charged by this Part of this Act, as from the date from which they have remained so unclaimed or on which they have so expired:

Provided that nothing in this section shall prejudice the rights of any person entitled to any such unclaimed annuity to claim the quarterly arrears and future payments thereof, the claim being supported by such proof of the existence of the nominee as is required by section ten of this Act, and in every such case the Commissioners may reinstate the annuity so claimed and charge it and all arrears thereof on the same fund as previously.

(2) The Bank of England shall in each quarter make up an account of all annuities for years which have remained unclaimed for the space of ten years preceding that quarter, and all such unclaimed annuities and all arrears thereof shall be transferred to the Commissioners and shall be subject to the restrictions and regulations to which other stocks and annuities are subject by Part VII of the National Debt Act, 1870, as amended by any subsequent enactment.

33 & 34 Vict. c. 71.

Tables for annuities.

16.—(1) For the purpose of ascertaining the values of the several annuities authorised to be granted under this Part of this Act, the Treasury may direct the Commissioners to use such tables, framed on the principles laid down in this Part of this Act for ascertaining the values of annuities granted thereunder, as may from time to time be approved by the Treasury.

(2) The Treasury may from time to time alter or revoke any such tables and direct the adoption of such other tables in lieu thereof as may be approved by the Treasury.

(3) The Commissioners before adopting any such table shall give notice in the London Gazette that the tables have been approved by the Treasury.

Manner in which consideration for annuities to be dealt with.

17.—(1) All stock and annuities transferred to the Commissioners as consideration for annuities (other than deferred life annuities) under this Part of this Act shall forthwith be cancelled, and all sums of money paid to the Commissioners in consideration for any such annuity (other than a deferred life annuity) shall be laid out on behalf of the Commissioners as they direct in the purchase of Government stock, and the stock so purchased shall forthwith be cancelled.

(2) All stock, annuities and money received as consideration for deferred life annuities shall be carried to the credit of or paid into the Government Annuities Investment Fund.

Accounts of money paid in consideration for annuities.

18. All sums payable as consideration for any annuities granted under this Part of this Act shall be paid into the Bank of England, and

(*a*) if paid with respect to the purchase of life annuities, shall be carried to the account of the Commissioners in respect of life annuities;

(*b*) if paid in respect of deferred life annuities, shall be carried to the Government Annuities Investment Fund;

(*c*) if paid in respect of annuities for years, shall be carried to the account of the Commissioners in respect of annuities for years.

Certification of amounts payable on the several quarter days.

19. The Comptroller-General, acting under the Commissioners, shall within fourteen days preceding the fifth day of January, the fifth day of April, the fifth day of July, and the fifth day of October, in each year, certify to the Treasury the amount on account of annuities which will become payable under this Part of this Act out of the Consolidated Fund on each of those dates respectively, and the Treasury shall thereupon by warrant direct the issue out of the Consolidated Fund to the account of the Commissioners of the sum specified in the certificate.

Validity of payments to executors and administrators.

20. Where probate or letters of administration have been granted to any person in respect of the estate of a person entitled to an annuity under this Part of this Act, the production of the probate or letters of administration granted by any court in the United Kingdom, the Isle of Man or the Channel Islands shall

be a sufficient authority to the Commissioners to pay to the person to whom the probate or letters of administration have been granted any sum which may be due on account of such annuity if the amount of the estate exceeds that sum.

Payment of small sums on death without letters of administration.

21. On the death of a person to whom any sum not exceeding one hundred pounds is due from the Commissioners in respect of any life annuity granted under this Part of this Act, then, if the Commissioners so direct and subject to the regulations (if any) made by the Treasury, probate or other proof of the title of the personal representative of the deceased person may be dispensed with, and the said sum may be paid or distributed to or among the persons appearing to the Commissioners beneficially entitled to the personal estate of the deceased person, or to or among any one or more of those persons, or in the case of the illegitimacy of the deceased person or his children, to or among such persons as the Commissioners may think fit, and the Commissioners shall be discharged from all liability in respect of any such payment or distribution.

Exemptions from duties.

22.—(1) No stamp duty shall be payable in respect of—

(*a*) any certificate, declaration, or affidavit made or taken in pursuance of this Part of this Act; or

(*b*) the transfer of any stock or annuities to the Commissioners under this Part of this Act; or

(*c*) any certificate or other instrument respecting the payment of money for the purchase of an annuity under this Part of this Act; or

(*d*) any transfer or acceptance of any such annuity in the books of the Commissioners or the books of the Bank of England; or

(*e*) any warrant or receipt for the payment of any such annuity or any part thereof; or

(*f*) any other instrument (except a power of attorney) made out by or under the authority of the Commissioners.

(2) Annuities granted under this Part of this Act shall not be liable to any taxes, charges, or impositions, other than those to which dividends on consolidated stock may for the time being be liable.

Evidence.

23.—(1) The Commissioners may, in any case where a declaration is required under this Part of this Act, require the declaration to be confirmed by an affidavit before the Comptroller-General or officer appointed for the purpose by the Commissioners, or before a justice of the peace or magistrate.

(2) Where a declaration is required to be produced under this Part of this Act for the purpose of receiving an annuity, an affidavit may be produced in lieu thereof.

(3) Where any evidence is produced by any person for the purpose of the purchase or receipt of an annuity which is not strictly conformable with the provisions of this Part of this Act, the Commissioners may admit such evidence if it appears satisfactory.

(4) The Commissioners or the Comptroller-General or any officer appointed for the purpose by the Commissioners may administer oaths for the purposes of affidavits under this Part of this Act.

Provisions as to warrants.

24.—(1) All warrants of the Commissioners for the payment of sums payable by them under this Part of this Act may, subject to regulations made by the Commissioners, be sent by post.

(2) A warrant so sent by post shall be deemed to be a cheque of the Commissioners within the meaning of any enactment relating to cheques for the time being in force.

(3) Any person desirous of having a warrant for an annuity sent to him through the post shall give to the Commissioners an address in the British Islands to which a letter containing the warrant is to be sent, and, subject to the provisions of any regulations made under this Part of this Act, the posting by the Commissioners of a letter containing the warrant addressed to an annuitant at his request at the address given by him to the Commissioners shall, as respects the liability of the Commissioners and of the Consolidated Fund, be equivalent to the delivery of the warrant to the annuitant himself.

(4) For the purposes of this Part of this Act the expression "warrant" shall be deemed to include any draft, order, cheque, or other document for the time being used by the Commissioners as a medium for the payment of annuities under this Part of this Act.

Provisions as to certificates, &c.

25.—(1) Certificates, declarations, and other instruments required for the purposes of this Part of this Act shall be in such form and shall conform with such regulations as the Commissioners may approve.

(2) No fee shall be taken by any officer acting under the Commissioners for granting any certificate, or for any other act, matter or thing to be done in pursuance of this Part of this Act.

Power to correct errors.

26. The Commissioners may correct, rectify or amend any contract for an annuity, or any certificate or other instrument, in cases where any mistake or accidental error has been made in carrying out any provisions of this Part of this Act.

Regulations.

27.—(1) The Commissioners may make regulations providing for the production or transmission by post or otherwise to the persons prescribed in the regulations of the certificates and declarations which are required to be produced before the payment of annuities, and with respect to any matters which under this Part of this Act are expressed to be subject to regulations of the Commissioners.

(2) The Commissioners, with the concurrence of the Treasury, may make regulations as to the mode in which any sum payable by the Commissioners in respect of an annuity under this Part of this Act may be paid, and the manner in which a valid discharge is to be given to the Commissioners for any such payment, and payments made and discharges given in accordance with the regulations shall be valid notwithstanding anything in this or any other Act to the contrary.

Transfers between Banks of England and Ireland.

28. Annuities for years granted under this Part of this Act may be transferred to and from the books of the Bank of England from and to the books of the Bank of Ireland for the purpose of having corresponding sums in the like annuities written into the books of those banks respectively, in like manner and under the same

regulations as Government stock is permitted to be so transferred.

Allowances to Bank of England.

29. Such allowances to the Bank of England as the Treasury approve in respect of services rendered by the cashiers and other officers of the Bank in the execution of this Part of this Act, shall be paid by the Treasury out of moneys provided by Parliament.

Annual account.

30. There shall annually be prepared and laid before Parliament on or before the twenty-fifth day of March in each year if Parliament is then sitting, or if not then sitting within fourteen days after the commencement of the next session of Parliament, an account made up by the Commissioners to the preceding fifth day of January, of the gross amount of all stock and annuities transferred, and of all sums of money paid, to the Commissioners in consideration for annuities under this Part of this Act, and of the gross amount of the life annuities and annuities for years which have been granted under the provisions of this Part of this Act within the year ending on the said fifth day of January.

Punishment for improper receipt of annuity.

31. If any person contrary to the provisions of this Part of this Act receives any payment in respect of any life annuity after the death of the nominee, or of the survivor, or of either of two nominees in the case of an annuity depending on the joint continuance of two lives, knowing such nominee to be dead, he shall forfeit treble the amount of all money so received and also a further sum of five hundred pounds.

Punishment for false statements.

32.—(1) If any certificate or affidavit is produced to an officer of the Commissioners which contains any untrue statement of the age of any person proposed or appointed to be a nominee with intent to obtain an annuity on the continuance of the life of any person under the age of fifteen years, or to obtain a higher rate or amount of annuity than would be allowed under the provisions of this Part of this Act according to the true age of that nominee, all stock or annuities which may have been transferred, and all money which may have been paid, as consideration for the annuity, shall be forfeited, and all right and title to any annuity in respect thereof shall determine, and the person by whom or on whose behalf the stock or annuities have

been transferred or money paid shall forfeit treble the amount of every sum which may have been received by him or on his behalf in respect of the annuity and also a further sum of five hundred pounds.

(2) If any certificate of the existence or death or burial of any nominee given under this Part of this Act by a person prescribed in that behalf by a warrant of the Treasury is false, the person giving it shall, if he acted wilfully, be guilty of a misdemeanour, and, if he acted negligently, be liable on summary conviction to a fine not exceeding fifty pounds.

(3) If any declaration made for the purposes of this Part of this Act is untrue in any particular, the person making the declaration shall, in addition to any other penalty to which he may be subject, forfeit the sum of one hundred pounds.

(4) If, in Scotland, Northern Ireland, the Channel Islands or the Isle of Man, any person in any declaration or affidavit for the purposes of this Part of this Act before any justice of the peace, magistrate, or officer of the Commissioners, wilfully makes any false statement, he shall be liable on conviction to be punished as if he were guilty of perjury.

Forgery.

33. If, in Scotland, the Channel Islands or the Isle of Man, any person forges or knowingly assists in forging or, with intent to defraud, utters to any person acting under this Part of this Act—

(*a*) any register of the birth, baptism, death, burial or marriage of any person appointed or to be appointed a nominee under this Part of this Act, or any copy or certificate of any such register, or the name of any witness to any such certificate;

(*b*) any declaration, warrant, order, or other instrument, or any affidavit required to be made by this Part of this Act or by the Commissioners under any authority given to them for that purpose;

(*c*) any certificate of any justice of the peace or magistrate of any such affidavit having been taken before him, or any certificate or order of any officer of the Commissioners;

(*d*) any certificate of any person authorised under this Part of this Act to grant any certificate of the life or death of any nominee;

(*e*) any certificate or order of any cashier or clerk of the Bank of England;

(*f*) the name of any person on any transfer of any stock or annuities, or on any certificate, order, warrant, or other instrument for the payment of money, for the purchase of any annuity under the provisions of this Part of this Act;

(*g*) the name of any person on any transfer or acceptance of any such annuity in the books of the Bank of England or in the books of the Commissioners;

(*h*) the name of any person on any receipt or discharge for any such annuity, or on any receipt or discharge for any payment due or to become due thereon;

(*i*) the name of any person on any letter of attorney or other authority or instrument authorising the transfer or acceptance of any stock or annuities, or of any annuity under the provisions of this Part of this Act, or authorising the receipt of any such annuity, or any payment due, or to become due thereon;

he shall on conviction be liable to penal servitude for life.

Personation.

34. If any person, with intent to defraud, wilfully personates any nominee, he shall be guilty of felony and liable on conviction to penal servitude for life.

Recovery and application of penalties.

35.—(1) All pecuniary penalties and forfeitures imposed by this Part of this Act (other than fines recoverable summarily) shall be recoverable by information in the High Court or as respects Scotland in the name of the Lord Advocate in the Court of Session.

(2) Every such penalty or forfeiture shall be paid into the Exchequer.

(3) It shall be lawful for the Commissioners to cause such reward as they think fit, not exceeding one-half of any such penalty or forfeiture so recovered, after deducting all charges and expenses incurred in recovering it,

to be paid to any person who may appear to them to be entitled thereto as informer.

Repeals and savings.

36.—(1) The enactments mentioned in Part I of the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that part of that schedule.

(2) This Part of this Act shall apply to all annuities granted before and in force at the commencement of this Act under any enactment so repealed as if they had been granted under this Part of this Act, and where a person entitled to an annuity granted before the commencement of this Act purchases an annuity under this Part of this Act depending on the life of the same nominee as the former annuity, the annuity so purchased shall be added to the former annuity, and the two shall be treated as a single annuity depending on the life of such nominee, as if both annuities had been granted under this Act:

Provided that—

(*a*) An annuity being a deferred life annuity granted before the fourteenth day of July eighteen hundred and sixty-four shall remain charged upon and issuable out of the Consolidated Fund or the growing produce thereof; and

(*b*) This Part of this Act shall apply to an annuity granted under any such repealed enactment before the twenty-eighth day of July eighteen hundred and eighty-eight, subject to the modifications set forth in Part I of the Third Schedule to this Act.

(3) All regulations and tables made under any enactment so repealed shall continue in force and have effect as if they had been made under this Act.

(4) All powers of attorney and other instruments in respect of any annuity granted under any enactment so repealed, or in respect of an application for any such annuity, executed before the commencement of this Act, shall continue in force and have the same validity as if this Act had not been passed.

Part II.

Savings Bank Annuities and Insurances.

Power to grant savings bank annuities and insurances.

37.—(1) Subject to the provisions of this Part of this Act and of the regulations made thereunder, the Commissioners may, either themselves directly, or through savings banks or parochial or other societies or other duly authorised agents, grant savings bank annuities, that is to say:—

(*a*) immediate or deferred annuities depending on a single life; or

(*b*) immediate annuities depending on joint lives and the life of the survivor, or on the joint continuance of two lives.

(2) Subject as aforesaid, the Commissioners may also in like manner enter into contracts (hereinafter referred to as savings bank insurances)—

(*a*) for the payment of a sum of money on the death of the person or one of the persons with whom the contract is made; or

(*b*) for the payment of a sum of money to be made on the attainment by the person with whom the contract is made of a specified age, or sooner in the case of his death.

(3) The Commissioners may refuse to grant a savings bank annuity or a savings bank insurance in any case where there are, in the opinion of the Commissioners, sufficient grounds for refusing so to do.

(4) The Treasury may by warrant addressed to the Commissioners discontinue the granting of savings bank annuities or insurances if they think fit so to do.

Limits on amount o annuities and insurances.

38.—(1) The amount of a savings bank annuity shall not, nor shall the aggregate amount of any savings bank annuities granted on the life of any one person, exceed one hundred pounds a year, or such larger amount as may be provided by any Act passed whether before or after the passing of this Act in the present session of Parliament.

(2) The amount of a savings bank insurance shall not, nor shall the aggregate amount of any savings bank insurances granted in respect of the life of any one person, exceed one hundred pounds.

Limit of age.

39.—(1) A savings bank annuity may be granted to any person not under the age of five years.

(2) A savings bank insurance may be granted to a person not over the age of sixty-five and not under the age of fourteen years, or, if the amount does not exceed five pounds, not under the age of eight years.

Ascertainment of amount of annuities and insurances.

40. All savings bank annuities and insurances shall be granted in accordance with the tables for the time being in force made in pursuance of this Part of this Act.

Security for, and payment of, annuities and insurances.

41.—(1) All immediate savings bank annuities shall be charged on the Consolidated Fund and issued thereout or out of the growing produce thereof at such times as the Treasury may direct.

(2) All deferred savings bank annuities and all savings bank insurances shall be charged on and paid out of the Government Annuities Investment Fund.

(3) In the event of any contract for a savings bank annuity or insurance being cancelled or varied in pursuance of this Part of this Act, or any error therein being corrected, the Commissioners may vary the charge on the Consolidated Fund, or on the Government Annuities Investment Fund, in such manner as may be necessary for carrying into effect such cancellation variation or correction, and the Treasury may, if need be, create new securities in lieu of any securities which have been cancelled, and the securities so created shall be charged on the Consolidated Fund and payable in like manner and be subject to the same conditions as the securities so cancelled.

Times of payment of annuities.

42.—(1) All savings bank annuities shall be payable quarterly on the fifth day of January, the fifth day of April, the fifth day of July, and the fifth day of October, in each year.

(2) The first quarterly payments of such annuities shall be made on the days of payment specified in the First Schedule to this Act.

(3) On the expiry of a savings bank annuity by reason of the death of a single nominee or of the survivor of joint nominees, or of either of two joint nominees, a sum equal to one-fourth part of the annuity, over and above all quarterly arrears thereof, shall, if claimed within two years after the death of that nominee, but not otherwise, be payable to the person entitled to the annuity, or to his executors or administrators, as the case may be, at any time after the expiration of thirty days after proof of the death :

Provided that such sum shall not be payable in respect of any deferred annuity unless one quarterly payment of the annuity has been paid or has become due at the time of the death of the nominee.

(4) For the purposes of this section the expression "nominee" means a person on whose life the savings bank annuity depends.

Mode of payment of annuities and insurances.

43. All moneys becoming due on account of savings bank annuities and insurances shall be paid to the persons entitled thereto in accordance with regulations made under this Part of this Act.

Transfer of annuities and insurances.

44.—(1) A savings bank annuity depending on the life of any person other than the person to whom it is granted may be transferred.

(2) Without prejudice to the generality of the foregoing subsection, the Commissioners may permit the transfer under such regulations as the Commissioners think fit—

(*a*) of a savings bank annuity granted jointly to two or more persons on the life of one of them, so, however, that the person on whose life the annuity depends is the transferee or one of the transferees;

(*b*) of a savings bank annuity granted to two or more persons on the joint lives of two or more persons, so, however, that all the persons on whose lives the annuity depends, or such of

those persons as the Commissioners think fit, are the transferees or included amongst the transferees.

(3) Subject to the foregoing provisions of this section, a savings bank annuity shall not, nor shall any interest therein, be assignable so as to enable the assignee to receive the annuity during the lifetime of the proprietor, except in the case of the bankruptcy of an individual proprietor, in which case the annuity shall become the property of the trustee in bankruptcy; and in the case of such bankruptcy, the Commissioners shall repurchase the annuity according to the value thereof computed upon the tables upon which the annuity was originally purchased, and the receipt of the trustee shall be a sufficient discharge to the Commissioners who shall forthwith cancel the annuity:

Provided that in the case of the bankruptcy of one of two or more joint proprietors of a savings bank annuity nothing in this subsection shall prevent his interest therein vesting in the trustee in bankruptcy.

(4) Any person entitled to a savings bank insurance may, after having duly paid for two years or upwards premiums thereon, assign his right and interest therein upon payment of such fee and on such conditions as may be fixed by regulations under this Part of this Act, and the assignee shall have all the rights and interests therein, including the right to sue, possessed by the assignor, but no greater right or interest.

Commutation of insurances for annuities.

45.—(1) Any person entitled to a savings bank insurance shall be entitled to commute it for such life annuity as may be equivalent to the sum payable on death under the insurance on depositing during his lifetime with the Commissioners a direction in writing to that effect, and nominating the person to whom the annuity is to be paid, in a form approved by the Commissioners.

(2) The annuity when approved by the Commissioners shall commence on the sixth day of January, the sixth day of April, the sixth day of July, or the sixth day of October, as the case may be, next following the death of the person insured, and the first quarterly

payment shall be made in respect of the quarter commencing on that date.

Provisions as to surrender of insurance and default in paying premium.

46. If a person entitled to a savings bank insurance, after having paid the premiums due thereon for a period of not less than two years, desires to surrender his policy, or makes default in the payment of premiums due in respect thereof, the Commissioners, at the option of the person entitled to the policy, shall pay him such sum of money as may be ascertained in accordance with the regulations under this Part of this Act, or shall grant to him such paid-up policy of insurance, or such an immediate or deferred savings bank annuity, as under the tables for the time being in force under this Part of this Act may be equivalent in value to the sum which under this section would be paid to him in money:

Provided that this section shall not apply where the insurance was granted on the condition that no portion of the premiums paid are to be returnable.

Application of Savings Banks Acts.

47. Subject to the provisions of this Part of this Act and the regulations made thereunder, all enactments for the time being in force relating to savings banks, and all regulations made in pursuance of those enactments, shall, so far as is consistent with the tenour thereof, apply for the purposes of this Part of this Act, and a person to whom a savings bank annuity or insurance has been granted shall be deemed for the purpose of those enactments and regulations to be a depositor in a savings bank:

Provided that—

(*a*) nothing in this Act shall exempt any person obtaining or becoming entitled to any savings bank insurance from any estate duty or stamp duty;

(*b*) for the purposes of arbitration references to trustees of savings banks shall, where necessary, be construed as references to the Commissioners.

Power to recover money in county courts.

48.—(1) If payment of any sum of money alleged to be due under a savings bank insurance is refused by the Commissioners, the person entitled thereto may, if he thinks fit, instead of proceeding by arbitration in the manner provided by the enactments relating to savings

banks as applied by this Part of this Act, take proceedings for recovering the amount claimed against the Commissioners in the county court of the district in which the contract was entered into, or, with the consent of the Commissioners, in the county court within the district of which such person is resident.

For the purposes of this section the contract shall be deemed to have been entered into at the place where the insured person resided at the date specified in the contract as the date thereof.

(2) A county court in which proceedings may be taken under this section shall have jurisdiction in the matter, and the decision of the court thereon shall be final and shall not be subject to any appeal.

(3) In the application of this section to Scotland references to the sheriff court shall be substituted for references to the county court.

(4) In the application of this section to the Islands of Jersey or Guernsey, references to the Royal Courts of those islands, and in the application of this section to the Isle of Man, references to the Common Law Division (Summary Jurisdiction) of the High Court, shall be substituted for references to the county court.

Miscellaneous provisions as to annuities and insurances.

49.—(1) Where a savings bank annuity or insurance has been granted to two or more persons they shall be entitled thereto as joint tenants.

(2) Where any person entitled to a savings bank annuity or insurance is insane or otherwise incapacitated from acting, then, subject to any regulations made under this Part of this Act, payment of the annuity or insurance may be made at such times and in such sums and to such persons as may seem proper and the receipt of those persons shall be a good discharge.

Unclaimed annuities.

50. The Commissioners shall on the fifth day of January in every year make up an account of all savings bank annuities which have remained unclaimed for the last three years, and all annuities so remaining unclaimed, together with the unclaimed quarterly arrears thereof, and all savings bank annuities which may have expired, and all quarterly arrears thereof, shall cease to be charged upon and shall not be issued out

of the fund on which they are charged by this Part of this Act, as from the date from which they have remained so unclaimed or on which they have so expired:

Provided that nothing in this section shall prejudice the rights of any person entitled to any unclaimed annuity who may at any subsequent period prove his title to the annuity to the satisfaction of the Commissioners.

Power of Commissioners to act through medium of Post Office and trustee savings banks.

51.—(1) The Postmaster-General may, with the consent of the Treasury, if he thinks fit, authorise such of his officers as he may select to receive any moneys becoming payable on contracts entered into under this Part of this Act, and to pay on behalf of the Commissioners any moneys becoming due under such contracts.

(2) The Commissioners may, with the consent of the Treasury, if they think fit, authorise the trustees of savings banks, with the consent of the trustees, to receive any moneys which may become payable upon contracts entered into under this Part of this Act for remittance to the Commissioners, and to pay on behalf of the Commissioners, any moneys which may become due under such contracts, and the Commissioners may make to the trustees a reasonable allowance for their expenses out of the moneys so received and paid over by the trustees to the Commissioners.

Regulations.

52.—(1) The Commissioners, with the concurrence of the Treasury, may make regulations as to the mode in which any sum payable by the Commissioners in respect of any savings bank annuity may be paid, and the manner in which a valid discharge is to be given to the Commissioners for any such payment, and payments made and discharges given in accordance with those regulations shall be valid notwithstanding anything in this or any other Act to the contrary.

(2) The Commissioners, with the concurrence of the Treasury, may make regulations for carrying out the provisions of this Part of this Act, so far as regards any annuities and insurances granted by the Commissioners either directly or through any parochial or other society, and so far as the trustees of savings banks are concerned; and for the execution of contracts on behalf of the

Commissioners by officers appointed for the purpose by the Commissioners, or by the Postmaster-General with the consent of the Commissioners, and the regulations so made shall provide—

(*a*) For proofs of age, identity, state of health, and such other matters as appear necessary or proper for the grant of annuities and insurances, and, in the case of an insurance for such sum not exceeding twenty-five pounds as may be fixed by the regulations, for diminishing the amount to be paid to the insured in the event of any regulation as to medical certificates or any other matters having been dispensed with; and

(*b*) For regulating the time and mode of making the payments to obtain savings bank annuities and insurances, and enabling them to be made out of the deposits in a savings bank; and

(*c*) For crediting the accounts of depositors in a savings bank with sums due in respect of savings bank annuities or insurances; and

(*d*) For regulating the mode of payment of savings bank annuities and insurances and the receipts to be given for the same; and

(*e*) For cancelling or varying contracts for the grant of annuities and insurances and correcting errors arising on any such grant; and

(*f*) For enabling a person to whom an insurance is granted to nominate a person to whom the money due under the insurance, not exceeding one hundred pounds, is to be paid, and for the discharge to be given therefor; and

(*g*) In the case of minors under the age of twenty-one years, for the making of contracts, the making of payments to obtain savings bank annuities and insurances out of the deposits in savings banks, the giving of receipts, and the doing of other acts, on their behalf; and the contracts and payments so made, the receipts so given, and the acts so done, shall be valid and binding on the minor; and

(*h*) For making payments on the death of children under ten years of age subject to the provisions contained in sections sixty-two to sixty-seven of the Friendly Societies Act, 1896, as amended by section two of the Friendly Societies Act, 1924, in like manner as if they were payments to which those sections apply. 59 & 60 Vict. c. 25.

(3) Regulations may be made by the Postmaster-General with the concurrence of the Treasury for carrying out the provisions of this Part of this Act so far as his department is concerned.

(4) Regulations made under this section, other than those made under subsection (1) thereof, shall be laid before Parliament, and shall have effect as if enacted in this Act.

Tables for annuities and insurances.

53.—(1) The Treasury may from time to time cause tables to be constructed for calculating the amounts of savings bank annuities and insurances.

(2) Every such table when approved by the Treasury shall, together with a statement of the rules observed in constructing it, be laid before both Houses of Parliament for not less than thirty days, and if an address is presented to His Majesty by either House of Parliament praying that such table may be cancelled, the table shall be cancelled without prejudice to the framing of another table in lieu of the table so cancelled.

(3) After the expiration of the said thirty days the Treasury may cause the table, if not cancelled as above provided, to be published in the London Gazette, and the table shall come into operation on the day on which it is so published or such later day as may be fixed by the Treasury.

(4) The tables shall be framed in such manner that the fund formed by the receipt of sums in respect of deferred annuities and of insurances, and the amounts paid for immediate annuities, shall respectively be adequate (after payment of expenses) to meet all claims without causing any loss to the Exchequer.

(5) The tables shall be framed so that the payments to obtain the annuities and insurances may be made in one sum or in annual or more frequent instalments, and be made during life or during a limited period.

(6) The tables may also provide for such variations in the rates for, and conditions of, annuities and insurances, and such surrender of insurances, and such other matters, as may seem expedient.

(7) Upon any new table made under this section coming into operation, any previous existing table in lieu of which the new table is expressly made shall be revoked, without prejudice nevertheless to annuities or insurances granted in accordance therewith.

(8) If the fund formed by the receipt of sums in respect of insurances is so much in excess of the liabilities that it is possible to reduce the payments made to obtain insurances, and a new table is made under this section for that purpose, the Treasury may provide for the giving to persons entitled to insurances in force at that time such portion of the surplus as seems just, in such manner as seems expedient.

Application and investment of sums paid for annuities or insurances.

54.—(1) All sums paid for savings bank annuities and insurances shall be paid into the Bank of England or the Bank of Ireland to the account of the Commissioners, and there carried to such account or accounts and under such title or titles as the Commissioners direct, but current outgoings as hereinafter defined may be defrayed thereout, either before or after payment into the bank.

(2) The sums paid for immediate annuities shall, subject to the payment of current outgoings, be forthwith applied in the purchase of Government securities (that is to say) of consolidated stock, perpetual or terminable annuities, exchequer bills, exchequer bonds, or treasury bills and any securities issued under the War Loan Acts, 1914 to 1919, or any Act extending or amending those Acts, and the securities so purchased shall be forthwith cancelled, and cease to be charged on the Consolidated Fund.

(3) All moneys received by the Commissioners for deferred savings bank annuities, and for savings bank insurances, shall, subject as aforesaid, be paid into the Government Annuities Investment Fund and invested in manner provided by this Act.

(4) The expression " current outgoings " includes all sums payable by the Commissioners in respect of savings bank annuities or insurances, and also all such expenses of carrying into effect this Part of this Act as are payable

out of the sums paid by persons for savings bank annuities and insurances.

All expenses incurred by any savings bank in the execution of this Part of this Act to such amount as may be from time to time allowed by the Commissioners (subject to the directions of the Treasury) shall be paid by the Commissioners, and defrayed by them as part of the expenses of the grant of annuities and insurances.

Certification of amounts payable on the several quarter days.

55. The Comptroller-General, acting under the Commissioners, shall within fourteen days preceding the fifth day of January, the fifth day of April, the fifth day of July, and the fifth day of October, in each year, certify to the Treasury the amount on account of savings bank annuities which will become payable under this Part of this Act out of the Consolidated Fund on each of those dates respectively, and the Treasury shall thereupon by warrant direct the issue out of the Consolidated Fund to the account of the Commissioners of the sum specified in the certificate.

Validity of payments to executors and administrators.

56. Where probate or letters of administration have been granted to any person in respect of the estate of a person entitled to a savings bank annuity, the production of probate or letters of administration granted by any court in the United Kingdom, the Isle of Man or the Channel Islands shall be a sufficient authority to the Commissioners to pay to the person to whom the probate or letters of administration have been granted any sum which may be due on account of such annuity if the amount of the estate exceeds that sum.

Payment of small sums on death without letters of administration.

57. On the death of a person to whom any sum not exceeding one hundred pounds is due from the Commissioners in respect of any savings bank annuity, then, if the Commissioners so direct and subject to the regulations (if any) made by the Treasury, probate or other proof of the title of the personal representative of the deceased person may be dispensed with, and the said sum may be paid or distributed to or among the persons appearing to the Commissioners beneficially entitled to the personal estate of the deceased person, or to or among any one or more of those persons, or in the case of the illegitimacy of the deceased person or his children, to or among such persons as the Commissioners may think fit, and the Commissioners shall be discharged from all liability in respect of any such payment or distribution.

Exemption of certain documents from stamp duty.

58. No stamp duty shall be payable in respect of—

(*a*) any copy of any register of birth, baptism, marriage, or burial, made for the purposes of this Part of this Act; or

(*b*) any certificate or declaration required for the purposes of this Part of this Act; or

(*c*) any certificate or other instrument respecting the payment of money for a savings bank annuity or insurance; or

(*d*) any power of attorney authorising the receipt, or any receipt for the payment, of any savings bank annuity or any part thereof, or for the payment of any sum of money payable at death under any savings bank insurance.

Provisions as to warrants.

59.—(1) Where any savings bank annuities are payable by warrants of the Commissioners the warrants may, subject to regulations made by the Commissioners, be sent by post.

(2) A warrant so sent by post shall be deemed to be a cheque of the Commissioners within the meaning of any enactment relating to cheques for the time being in force.

(3) Any person desirous of having a warrant for an annuity sent to him through the post shall give to the Commissioners an address in the British Islands to which a letter containing the warrant is to be sent, and, subject to the provisions of any regulations made under this Part of this Act, the posting by the Commissioners of a letter containing the warrant addressed to an annuitant at his request at the address given by him to the Commissioners shall, as respects the liability of the Commissioners and of the Consolidated Fund, be equivalent to the delivery of the warrant to the annuitant himself.

(4) For the purposes of this section the expression "warrant" shall be deemed to include any draft order, cheque or other document for the time being used by the Commissioners as a medium for the payment of annuities under this Part of this Act.

Trusts not to be recognised.

60. No notice of any trust, express implied or constructive, affecting any savings bank annuity or insurance (except such trusts as are for the time being recog-

nised by law in relation to deposits in savings banks, and except such trusts as are provided for by section eleven of the Married Women's Property Act, 1882, or any other enactment relating to the property of married women) shall be entered upon any contract for such annuity or insurance, or in any deposit book relating thereto, nor shall any such notice be receivable by the Commissioners or any savings bank. 45 & 46 Vict. c. 75.

Punishment for fraudulently receiving annuity or insurance.

61.—(1) If any person receives any payment in respect of any savings bank annuity after the death of the person at whose death the annuity is to cease, or receives the amount of any insurance payable at the death of a person before the death of that person, he shall be liable to pay to the Commissioners double the amount of the sum received with interest thereon at the rate of five per cent. per annum from the date of the receipt, recoverable in a county court or any other competent court.

(2) If a person receiving any such sum as above-mentioned received the sum with intent to defraud he shall, in addition to the above-mentioned payment, be liable on conviction to imprisonment for a term not exceeding twelve months.

Punishment for false declarations, &c.

62.—(1) If any one person by his own act holds or claims to be entitled to any savings bank annuities or insurances, which exceed in the whole the maximum annuity or insurance allowed by this Part of this Act to be granted to any one person, such person shall be liable, in the discretion of the Commissioners, to forfeit the whole or any part of such annuities or insurances.

(2) Any person who makes a false declaration in relation to any matter or thing required by this Part of this Act, or by the regulations made thereunder, or produces any false declaration or certificate, shall be liable, in the discretion of the Commissioners, to forfeit the whole or any part of the savings bank annuity or insurance to which the false declaration or certificate related, or for the purpose of obtaining which it was made or produced, and all or any part of the money paid for obtaining the annuity or insurance, or the Commissioners may, in lieu of all or any part of such forfeiture, adjust the contract made by such person so as to be in accordance with what it would have been if the false declaration or certificate had not been made or produced.

(3) If, in Scotland, Northern Ireland, the Channel Islands or the Isle of Man, a person makes any such false declaration as aforesaid knowing the same to be false in any material particular, he shall, in addition to such forfeiture, be liable on conviction to imprisonment for a term not exceeding twelve months.

(4) If, in Scotland, Northern Ireland, the Channel Islands or the Isle of Man, a person in any declaration for the purposes of this Part of this Act before any justice of the peace, magistrate, or officer of the Commissioners, wilfully makes any false statement or declaration, he shall be liable on conviction to be punished as if he were guilty of perjury.

Forgery.

63. If, in Scotland, the Channel Islands or the Isle of Man, a person forges or with intent to defraud utters to any person acting under the authority of this Act :—

(*a*) Any register of birth, baptism, death or burial, required under the provisions of this Part of this Act, or any copy or certificate of any such register, or the name of any witness to any such certificate;

(*b*) Any declaration required to be taken for any of the purposes of this Part of this Act;

(*c*) Any certificate of any justice of the peace or magistrate of any such declaration having been taken before him or any certificate of any officer of the Commissioners;

(*d*) Any certificate of any person authorised under this Part of this Act to grant a certificate of the life or death of any annuitant;

(*e*) Any certificate of any cashier or clerk of the Bank of England or Bank of Ireland;

(*f*) The name of any person on any certificate or other instrument for the payment of money for the purchase of any annuity or insurance under the provisions of this Part of this Act;

(*g*) The name of any person on any receipt or discharge for any such annuity, or on any receipt or discharge for any payment due or to become due thereon, or for any sum payable under any insurance under the provisions of this Part of this Act;

(*h*) The name of any person on any certificate or other instrument authorising the receipt of any life annuity or any annuity for years of whatsoever kind, or sum payable under any insurance, granted under this Part of this Act, or any payment due or to become due thereon;

he shall be liable on conviction to the like punishment as if he had been convicted of forgery.

Personation.

64. If any person with intent to defraud wilfully personates any person entitled to receive an annuity, he shall in England or Northern Ireland be guilty of a misdemeanour, and be liable on conviction to imprisonment, with or without hard labour, for any term not exceeding two years; and in Scotland the Channel Islands or the Isle of Man be liable on conviction to the like punishment as if he had been convicted of forgery.

Annual accounts.

65.—(1) There shall annually be prepared and laid before Parliament on or before the twenty-fifth day of April in each year if Parliament is then sitting, or if not then within fourteen days after the commencement of the next session of Parliament, an account made up by the Commissioners to the preceding fifth day of January of the gross amount paid to the Commissioners under this Part of this Act, and of the gross amount of savings bank annuities and insurances which have been granted during the year ending on the said fifth day of January.

(2) The annual accounts of the Postmaster-General and the Commissioners to the thirty-first day of December in each year in respect of all moneys received or invested under this Part of this Act shall annually prior to the thirty-first day of March in each year be submitted by the Postmaster-General and the Commissioners to the Comptroller and Auditor-General.

Repeals and savings.

66.—(1) The enactments mentioned in Part II of the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) This Part of this Act shall apply to all savings bank annuities and insurances granted before, and in force at, the commencement of this Act under any

enactment repealed by this section, or any similar previous enactment, as if they had been granted under this Act:

Provided that—

(*a*) Nothing in this section shall affect the validity of any such annuity or insurance or the terms and conditions on which it was granted, and any deferred savings bank annuity granted before the fourteenth day of July, eighteen hundred and sixty-four, shall remain charged upon the Consolidated Fund; and

(*b*) This Part of this Act shall apply to a savings bank annuity granted under any such repealed enactment before the eleventh day of October, nineteen hundred and twenty-four, subject to the modifications set forth in Part II of the Third Schedule to this Act.

(3) All regulations and tables made under any enactment repealed by this section shall continue in force and have effect as if they had been made under this Part of this Act.

(4) All powers of attorney and other instruments executed for the purpose of any savings bank annuity or insurance before, and in force at, the commencement of this Act shall continue in force and have the same validity as if this Act had not been passed.

PART III.

GENERAL.

Provisions as to fund established under 27 & 28 Vict. c. 46.

67.—(1) All moneys and securities which at the commencement of this Act form part of the Government Annuities Investment Fund, and all stock and annuities which are carried to the credit of, and all moneys which are paid into, that fund under the provisions of this Act, and all securities for the time being representing the same, shall be held by the Commissioners applicable to meet the claims of such deferred annuities and insurances as are made payable thereout under this Act.

(2) All moneys for the time being forming part of the said Fund shall be invested in such securities as the

Commissioners are authorised by law to purchase on account of savings banks, and the Commissioners shall in respect of all such moneys have the like powers as are vested by law in them in respect of moneys received by them from trustees of savings banks for investment.

(3) The Treasury may at any time, if they think it advantageous to the public service, convert any stock held by the Commissioners on account of the fund into an equivalent amount of annuities for a term of years charged on and payable out of the Consolidated Fund, and wherever such conversion takes place the stock so converted shall be cancelled, and copies of the authorities under which the conversion has been made shall be laid before Parliament.

(4) An account of all moneys stock and annuities paid into the fund and of the disposal thereof, and of all contracts for the grant of deferred annuities and insurances charged on the fund made in any calendar year, shall be laid before Parliament not later than the thirty-first day of March next following, showing—

(*a*) the amount of receipts during the year on contracts;

(*b*) the number and amount of payments made on account of contracts during the year;

(*c*) the amount of expenses during the year;

(*d*) the number and amount of new contracts entered into;

(*e*) the total number and amount of all current contracts at the end of the year;

(*f*) the whole amount of capital, distinguishing the manner in which invested, how much in cash, how much in securities, specifying their nature;

(*g*) the average rate of interest received upon each class of investments;

(*h*) the table of mortality and the rate of interest used in calculating the premiums.

(5) The Commissioners shall prepare and transmit to the Treasury at the end of every five years a statement of the result of a valuation of the engagements entered into and the liabilities incurred during the preceding five years, and the assets applicable to meet

the same, and if it appears that the amount of the liabilities is greater than that of the assets, the Treasury shall charge the deficiency upon the Consolidated Fund, and if it appears that the value of the assets is more than sufficient to discharge the liabilities, the Treasury shall direct that there be cancelled out of the securities held by the Commissioners an amount not exceeding four-fifths of that surplus.

(6) The Treasury shall, upon being satisfied at any time that the assets are not sufficient to meet the liabilities and upon a certificate to that effect under the hand of the Comptroller-General acting under the Commissioners, direct such sums to be issued out of the Consolidated Fund or the growing produce thereof as may be necessary to meet the liabilities:

Provided that no such sums shall be issued as, taken together, exceed the amount charged upon the Consolidated Fund under this section.

Powers of Comptroller-General and Assistant Comptroller.

68. Anything under this Act required or authorised to be done to by or in respect of the Commissioners may be done to by or in respect of the Comptroller-General or Assistant Comptroller acting under the Commissioners, and anything under this Act authorised to be done by the Comptroller-General, may be done by the Assistant Comptroller.

Repeals.

69. The enactments mentioned in Part III of the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Short title, commencement and extent.

70.—(1) This Act may be cited as the Government Annuities Act, 1929, and shall come into operation on the twenty-first day of November, nineteen hundred and twenty-nine.

(2) This Act shall extend to Northern Ireland.

(3) This Act shall extend to the Channel Islands and the Isle of Man, and the Royal Courts of the Channel Islands shall register it accordingly.

SCHEDULES.

FIRST SCHEDULE.

Section 9.

DATES ON WHICH FIRST QUARTERLY PAYMENTS OF ANNUITIES ARE TO BE MADE.

Where the purchase of an annuity has been completed between the dates mentioned in the first column of the following table the date for the first quarterly payment shall be that mentioned in the second column of that table.

Between the closing of the stock transfer books of the Bank of England under section twenty-eight of the National Debt Act, 1870, in the month of December and the last day of February.	The fifth day of April next following the date of purchase.
Between such closing in the month of March and the last day of May.	The fifth day of July next following the date of purchase.
Between such closing in the month of June and the last day of August.	The fifth day of October next following the date of purchase.
Between such closing in the month of September and the last day of November.	The fifth day of January next following the date of purchase.

For the purpose of this Schedule a purchase shall be deemed to be completed—

(i) in the case of an annuity to which Part I of this Act applies, by the transfer of the stock or annuities or the payment of the money accepted as consideration therefor; and

(ii) in the case of a savings bank annuity by the actual payment of the purchase money.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Section 36.

PART I.

Session and Chapter.	Short Title.	Extent of Repeal.
48 Geo. 3. c. 142.	The Life Annuities Act, 1808.	Sections twenty-one, twenty-three, and twenty-eight.
10 Geo. 4. c. 24.	The Government Annuities Act, 1829.	The whole Act.
11 Geo. 4. & 1 Will. 4. c. 26.	The Government Annuities Act, 1830.	Sections six and nine so far as they relate to annuities under the Government Annuities Act, 1829.
2 & 3 Will. 4. c. 59.	The Government Annuities Act, 1832.	The whole Act.
3 & 4 Will. 4. c. 24.	The Government Annuities Act, 1833.	The whole Act.
7 Will. 4. & 1 Vict. c. 84.	The Forgery Act, 1837 -	The whole Act.
1 & 2 Vict. c. 49.	The Government Annuities Act, 1838.	Sections eleven and twelve, except so far as they relate to savings bank annuities, and sections thirteen and fourteen.
33 & 34 Vict. c. 71.	The National Debt Act, 1870.	Section fifty, section sixty-eight from "In the enactment described" to the end of the section, and Parts III. and IV. of the Second Schedule so far as unrepealed.
36 & 37 Vict. c. 44.	The Government Annuities Act, 1873.	The whole Act, except so far as it relates to savings bank annuities.
51 & 52 Vict. c. 15.	The National Debt (Supplemental) Act, 1888.	Sections one and two.
61 & 62 Vict. c. 46.	The Revenue Act, 1898 -	Section eighteen.
3 Edw. 7. c. 46.	The Revenue Act, 1903 -	Section fifteen, and, so far as it relates to annuities granted under the Government Annuities Act, 1829, section sixteen.
5 & 6 Geo. 5. c. 62.	The Finance Act, 1915 -	Subsection (2) of section twenty-five.

Part II.

2nd Sch. —*cont.*

Section 66.

Session and Chapter.	Short Title.	Extent of Repeal.
1 & 2 Vict. c. 49.	The Government Annuities Act, 1838.	Sections eleven and twelve so far as they relate to savings bank annuities.
16 & 17 Vict. c. 45.	The Government Annuities Act, 1853.	The whole Act.
27 & 28 Vict. c. 43.	The Government Annuities Act, 1864.	The whole Act.
36 & 37 Vict. c. 44.	The Government Annuities Act, 1873.	The whole Act so far as it relates to savings bank annuities.
45 & 46 Vict. c. 51.	The Government Annuities Act, 1882.	The whole Act.
46 & 47 Vict. c. 47.	The Provident Nominations and Small Intestacies Act, 1883.	In section three the words " and subhead (*e*) of section " six of the Government " Annuities Act, 1882."
50 & 51 Vict. c. 40.	The Savings Banks Act, 1887.	In section eight the words " and of the Government " Annuities Act, 1882." Section nine.
3 Edw. 7. c. 46.	The Revenue Act, 1903 -	Section sixteen so far as it relates to savings bank annuities.
14 & 15 Geo. 5. c. 21.	The Finance Act, 1924 -	Section thirty-nine.

Part III.

Section 69.

Session and Chapter.	Short Title.	Extent of Repeal.
27 & 28 Vict. c. 46.	The Government Annuities (Investments) Act, 1864.	The whole Act.
50 & 51 Vict. c. 40.	The Savings Banks Act, 1887.	Section twelve from " the " Government Annuities " Acts, 1829 to 1882 " to the end of the section. In section thirteen the words " and the Government " Annuities Acts, 1829 to " 1887."

THIRD SCHEDULE.

Section 36.

PART I.

MODIFICATIONS WITH RESPECT TO ANNUITIES GRANTED BEFORE THE TWENTY-EIGHTH DAY OF JUNE, EIGHTEEN HUNDRED AND EIGHTY-EIGHT.

The annuities shall continue payable half-yearly on the fifth day of January and on the fifth day of July, or on the fifth day of April and the tenth day of October, in each year, as the case may be, and references to quarterly days of payment and quarterly arrears shall be construed as references to such half-yearly days of payment and half-yearly arrears.

No such annuity shall be added to or treated as one with an annuity granted after the 27th day of June, 1888, and depending on the life of the same nominee, but a power of attorney with respect to any such annuity shall be in force with respect to any annuity granted after the 27th day of June, 1888, and depending on the life of the same nominee and standing in the same name or names in the books of the Commissioners.

The date at which the fourth part of the annuity payable under subsection (3) of section nine of this Act is to be payable shall be the half-yearly day of payment next succeeding the death of the deceased nominee:

Provided that the payment may if the Commissioners think fit be paid at any time after the expiration of thirty days after proof of the death of the nominee.

Section 66.

PART II.

MODIFICATIONS WITH RESPECT TO SAVINGS BANKS ANNUITIES GRANTED BEFORE THE ELEVENTH DAY OF OCTOBER, NINETEEN HUNDRED AND TWENTY-FOUR.

The annuities shall continue payable half-yearly on the fifth day of January and on the fifth day of July, or on the fifth day of April and the tenth day of October in each year, as the case may be; and references to quarterly days of payment and quarterly arrears shall be construed as references to such half-yearly days of payment and half-yearly arrears.

CHAPTER 30.

An Act to prevent difficulties arising in the event of the office of stipendiary magistrate for Chatham and Sheerness not being filled.

[10th May 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Provisions for preventing difficulties.

1. For the purpose of preventing any difficulty or failure of justice which might otherwise arise in the event of the office of stipendiary magistrate for Chatham and Sheerness becoming vacant, the provisions set out in the Schedule to this Act shall have effect as from the day on which the Secretary of State by order declares that the said office will become vacant.

Amendment of provisions.

2.—(1) If it appears to the Secretary of State that the provisions contained in the Schedule to this Act are in any way insufficient or defective, he may by order amend the Schedule by making such further or better provision as appears to him necessary.

(2) An order made under this section—

(*a*) may be varied, amended or revoked by a subsequent order:

(*b*) shall be laid before Parliament as soon as may be after it is made:

(*c*) shall come into operation on the date specified therein in that behalf, but shall cease to have effect on the expiration of a period of three months from the date on which it came into operation, unless before the expiration of that period it has been approved by resolution passed by each House of Parliament:

Provided that, in reckoning any such period of three months as aforesaid, no

account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

Short title.

3. This Act may be cited as the Chatham and Sheerness Stipendiary Magistrate Act, 1929.

SCHEDULE.

1. A person for whose apprehension a warrant has been issued by the stipendiary magistrate for Chatham and Sheerness (in this Schedule referred to as "the stipendiary magistrate") may be brought before a court of summary jurisdiction either for the North Aylesford petty sessional division or the Sittingbourne petty sessional division.

2. Any further proceedings relating to, connected with or arising out of any conviction, order or determination of the stipendiary magistrate may be taken before, and any power to revoke, vary or revive any order or determination of the stipendiary magistrate may be exercised by, a court of summary jurisdiction for the petty sessional division within which the conviction was pronounced or the order or determination made.

3. All fines, penalties, costs and other sums payable in pursuance of a conviction or order of the stipendiary magistrate to the clerk to the stipendiary magistrate shall be paid to the clerk of the Sittingbourne petty sessional division or the clerk of the North Aylesford petty sessional division, according as the conviction was pronounced or the order made within the one division or the other, and all such fines, penalties, costs or sums shall be applied and accounted for in like manner as if the conviction or order were a conviction or order of a court of summary jurisdiction for the petty sessional division.

4.—(1) Any register or other document in the custody of the clerk to the stipendiary magistrate by virtue of his office shall be transferred to the custody of either the clerk of the Sittingbourne petty sessional division or the clerk of the North Aylesford petty sessional division according as the register or document relates to a proceeding which was had or to a matter which was done within the one divison or the other, and shall be kept and dealt with by the clerk of the petty sessional division as if the proceeding or matter to which it relates were a proceeding or matter which was had or done before a court of summary jurisdiction for the division.

(2) Every register and document transferred under the foregoing provision shall be open to inspection by every person by whom it might have been inspected it it had remained in the custody of the clerk to the stipendiary magistrate.

(3) Copies and extracts of or from any such document or register as aforesaid made or certified by the clerk of the petty sessional division by whom it is to be kept under this provision shall be of the same effect as if they had been made or certified by the clerk to the stipendiary magistrate.

5. Where the stipendiary magistrate has ordered that the payment of any money ordered to be paid periodically shall be made through an officer of his court, the payment shall, instead of being so made, be made through the collecting officer of the court of summary jurisdiction for the petty sessional division in which the order was made unless that court otherwise directs.

6. Where the stipendiary magistrate has entered on the consideration of, but has not finally disposed of, any matter brought before him, the matter may be heard and determined by a court of summary jurisdiction for the petty sessional division within which the stipendiary magistrate was sitting when the matter came before him.

7. Where a person has been committed for trial by the stipendiary magistrate but not admitted to bail, any justice of the county of Kent shall have the same power of admitting him to bail as if he had been committed for trial by a justice for that county.

8. Any enactment enabling a deputy to act during any vacancy in the office of the stipendiary magistrate shall cease to have effect.

CHAPTER 31.

An Act to enable the Council of the Pharmaceutical Society of Great Britain to make byelaws providing for the registration, without examination, of persons registered as pharmaceutical chemists in Northern Ireland. [10th May 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows :—

Registration of persons registered as pharmaceutical chemists in Northern Ireland.
15 & 16 Vict. c. 56.
8 Edw. 7. c. 55.

1. The power of the Council of the Pharmaceutical Society of Great Britain to make byelaws under section two of the Pharmacy Act, 1852, as extended by section four of the Poisons and Pharmacy Act, 1908, shall be deemed to include power to make byelaws providing for the registration, upon payment of the prescribed fee, as pharmaceutical chemists or chemists and druggists under the Pharmacy Acts, 1852 and 1868, without examination, of persons registered as pharmaceutical chemists in Northern Ireland who produce evidence satisfactory to the Council that they are persons of sufficient skill and knowledge to be so registered.

Short title.

2. This Act may be cited as the Pharmacy Act, 1929.

CHAPTER 32.

An Act to regulate the sale and manufacture of artificial cream. [10th May 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Regulation of sale of artificial cream.

1.—(1) No person shall sell or offer or expose for sale for human consumption under a description or designation including the word "cream" any substance purporting to be cream or artificial cream as defined in this Act unless—

(*a*) the substance is cream as defined in this Act, or

(*b*) where the substance is artificial cream as defined in this Act, the word "cream" is immediately preceded by the word "artificial."

(2) Every receptacle used for the conveyance of artificial cream for sale for human consumption, or containing artificial cream at any time when it is exposed for such sale, shall have the words "artificial cream"

printed in large and legible type either on the receptacle itself or on a label securely attached thereto.

(3) If any person contravenes any of the provisions of this section, he shall be guilty of an offence against this Act.

Registration of premises where artificial cream is manufactured or sold.

2.—(1) Artificial cream shall not be manufactured, sold or exposed or kept for sale for human consumption except at premises registered with the Food and Drugs Authority:

Provided that this requirement shall not apply—

(*a*) to the manufacture of artificial cream, by any person solely for his domestic purposes; or

(*b*) to the manufacture on any premises of artificial cream for use in the preparation on those premises of some other article of food; or

(*c*) to the sale, exposure or keeping for sale of artificial cream on any premises where it is not supplied otherwise than in the properly closed and unopened receptacles in which it was delivered to those premises.

(2) The Food and Drugs Authority shall keep a register of premises under this section, and shall on application being made by the owner or occupier of any premises enter the premises in the register and shall from time to time revise the register as occasion may require.

(3) Any officer of the Food and Drugs Authority duly authorised in that behalf by the authority may at all reasonable times enter and inspect any premises registered with the authority under this section.

(4) If a justice of the peace is satisfied by information on oath that there is reasonable ground for supposing that any unregistered premises are being used for the manufacture of artificial cream contrary to the provisions of this section, he may grant a search warrant authorising any such officer as aforesaid to enter and inspect the premises and to search for and seize any machine suitable for use in the manufacture of artificial cream.

(5) If any person uses any unregistered premises for the manufacture or sale of artificial cream in contravention of this section, or obstructs any such officer

as aforesaid in the execution of his powers under this section, or fails to give any such officer all reasonable assistance in his power, or to furnish him with any information he may reasonably require, he shall be guilty of an offence against this Act.

Application to artificial cream of provisions relating to cream. 5 & 6 Geo. 5. c. 66.

3. Such of the provisions of the Public Health Acts, 1875 to 1926 (or, in London, the Public Health (London) Acts, 1891 to 1926), and the Milk and Dairies (Consolidation) Act, 1915, and of any order or regulation made under any of those Acts, as relate to cream (other than those relating to registration) shall apply to artificial cream.

Enforcement of Act.

18 & 19 Geo. 5. c. 31.

4. It shall be the duty of every Food and Drugs Authority to enforce the provisions of this Act, and any expenses incurred by the authority for that purpose shall be defrayed as expenses under the Food and Drugs (Adulteration) Act, 1928:

Provided that this section shall not apply to such of the provisions of any Act, order or regulation applied by this Act as are enforceable by any other authority.

Penalties.

5.—(1) If any person commits an offence against this Act, he shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, five pounds, in the case of a second or subsequent offence, fifty pounds, and in any case where the offence is a continuing offence, to a further fine not exceeding forty shillings for each day during which the offence continues.

(2) For the purposes of proceedings under this Act—

(*a*) where artificial cream is sold or offered, exposed or kept for sale, it shall be presumed to be sold or offered, exposed or kept for sale for human consumption unless the contrary is proved;

(*b*) where any article having the composition of cream or artificial cream is sold or exposed or kept for sale on premises registered under this Act, it shall be presumed to be artificial cream unless the contrary is proved.

(3) The provisions of subsection (6) of section twenty-seven and of sections twenty-nine and thirty of the Food and Drugs (Adulteration) Act, 1928, relating

to offences and warranties under that Act, as set out with the appropriate modifications in the Schedule to this Act, are hereby incorporated with this Act and shall apply to proceedings under this Act.

Definitions.

6. In this Act—

"Food and Drugs Authority" has the same meaning as in the Food and Drugs (Adulteration) Act, 1928;

"Cream" means that portion of natural milk rich in milk fat which has been separated by skimming or otherwise;

"Artificial cream" means an article of food resembling cream and containing no ingredient which is not derived from milk except water or any ingredient or material which by virtue of the proviso to subsection (2) of section two of the Food and Drugs (Adulteration) Act, 1928, may lawfully be contained in an article sold as cream.

Application to Scotland.

7. This Act shall apply to Scotland subject to the following modifications:—

(*a*) The following section shall be substituted for section three—

Such of the provisions of the Milk and Dairies (Scotland) Act, 1914, and of any order, regulation or byelaw made under that Act as relate to cream (other than those relating to registration) shall apply to artificial cream: 4 & 5 Geo. 5. c. 46.

(*b*) The expression "defendant" shall mean "respondent," and the expression "information" shall mean "complaint."

Short title, commencement and extent.

8.—(1) This Act may be cited as the Artificial Cream Act, 1929.

(2) This Act shall come into operation on the first day of June, nineteen hundred and twenty-nine.

(3) This Act shall not extend to Northern Ireland.

SCHEDULE.

PROVISIONS OF FOOD AND DRUGS (ADULTERATION) ACT, 1928, APPLIED.

1. Where an employer is charged with an offence against this Act, he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the court that he had used due diligence to enforce the execution of this Act, and that the said other person had committed the offence in question without his knowledge, consent or connivance, the said other person shall be summarily convicted of the offence, and the employer shall be exempt from any penalty.

2. Subject to the provisions of this schedule a defendant shall be discharged from any prosecution under this Act for selling, or offering or exposing for sale artificial cream, if he proves to the satisfaction of the court that he had purchased the article in question as cream, and with a written warranty or invoice to that effect, and that he had no reason to believe at the time of the commission of the alleged offence that the article was not cream and that at that time the article was in the same state as when he purchased it.

3. A warranty or invoice shall only be a defence to proceedings under this Act if—

(*a*) the defendant has within seven days of the service of the summons sent to the prosecutor a copy of the warranty or invoice with a written notice stating that he intends to rely on it and specifying the name and address of the person from whom he received it and has also sent a like notice of his intention to that person; and

(*b*) in the case of a warranty or invoice given by a person resident outside the United Kingdom the defendant proves that he had taken reasonable steps to ascertain, and did in fact believe in the accuracy of the statement contained therein.

4. The person by whom the warranty or invoice is alleged to have been given shall be entitled to appear at the hearing and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.

5. Where the defendant is a servant of the person who purchased the article under a warranty or invoice he shall be entitled to rely on the provisions of this schedule in the same way as his employer would have been entitled to do if he had been the defendant, provided that the servant further proves that he had no reason to believe that the article was not cream.

6. Every person who wilfully applies to an article in any proceedings under this Act a warranty or invoice given in relation to any other article, shall be guilty of an offence against this Act.

7. Every person who, in respect of artificial cream sold by him as principal or agent, gives to the purchaser a false warranty in writing, shall be guilty of an offence against this Act, unless he proves to the satisfaction of the court that when he gave the warranty he had reason to believe that the statements or descriptions contained therein were true.

8. Where the defendant in a prosecution under this Act has been discharged under the provisions of this schedule relating to warranties, any proceedings under this schedule for giving the warranty relied on by the defendant in the prosecution, may be taken as well before a court having jurisdiction in the place where the contravention of this Act took place as before a court having jurisdiction in the place where the warranty was given.

CHAPTER 33.

An Act to enable highway authorities and the owners of bridges carrying public carriage roads to make agreements with respect to the maintenance, improvement, reconstruction and transfer of such bridges, and of the approaches thereto and the roads carried thereby; to empower the Minister of Transport, in the absence of any such agreement, to make orders with respect to the matters aforesaid and for purposes incidental to the making of such agreements and orders.

[10th May 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows :—

Application of Act.

1.—(1) The bridges to which this Act applies are bridges or viaducts by which a public carriage road is carried over any railway, canal, river, creek, watercourse, marsh or other place where water flows or is collected, or any ravine or other depression, not being bridges or viaducts for the maintenance and repair of which a highway authority is responsible.

(2) The powers conferred by this Act on a highway authority shall be exercisable—

(*a*) in the case of a bridge in a county borough, by the council of the borough;

(*b*) in the case of a bridge in the City of London, by the common council of the City;

(*c*) in the case of a bridge in an urban district, if the road at each end of the bridge is vested in the county council, and in the case of a bridge in a rural district, by the council of the county in which the bridge is situate;

(*d*) in the case of any other bridge, either by the council of the county in which the bridge is situate, or by the council of the metropolitan borough or urban district in which the bridge is situate, or by such councils jointly.

Where a bridge is situate partly in one area and partly in another, any council may exercise the powers of a highway authority in relation to the bridge if the council could have exercised those powers in relation thereto had the bridge been situate wholly within the area for which the council acts.

For the purposes of this subsection, "bridge" includes the road carried thereby and the approaches thereto.

Powers of highway authorities and bridge owners to enter into agreements.

2.—(1) A highway authority may agree with the owner of a bridge—

(*a*) for the payment by the highway authority of contributions towards the cost of the maintenance, improvement, or reconstruction of the bridge, or the road carried thereby, or the approaches thereto;

(*b*) for the transfer to the highway authority, on such terms as may be agreed, of the responsibility

for the maintenance and improvement of the road carried by the bridge or the approaches thereto;

(*c*) for the transfer to the highway authority, on such terms as may be agreed, of the property in the bridge and the road carried thereby and the approaches thereto, and of all or any rights and obligations attaching to such bridge, road or approaches;

and it shall be lawful for the owner of the bridge, notwithstanding that the bridge was constructed under statutory powers, to enter into and carry into effect any such agreement.

(2) Where any such agreement provides for the transfer to the highway authority of any rights or obligations attaching to a bridge, then, as from the date of the transfer, it shall be lawful for the highway authority to exercise the rights, and they shall, to the exclusion of the owner, be subject to the obligations, so transferred.

Power to make orders as to reconstruction, maintenance, &c. of bridges.

3.—(1) If the owner of a bridge, or a highway authority, considers that the bridge is or may be, by reason of its construction, position, or state of repair, dangerous or unsuitable for the requirements of road traffic as then existing or the anticipated development thereof, or that the responsibility for the maintenance and improvement of the road carried by the bridge or the approaches thereto should for any reason be transferred from the owner to a highway authority, the owner or authority may apply to the Minister for an order to provide for the reconstruction or improvement or maintenance of the bridge or road carried thereby or the approaches thereto.

(2) Subject to the provisions of this Act, the Minister on any such application, after consultation with the owner of the bridge and every highway authority entitled to exercise with respect thereto the powers conferred by this Act and after holding an inquiry, if either the owner or any such highway authority requests him in writing to hold an inquiry, may make an order, and may by the order—

(*a*) require the execution of such works of reconstruction or improvement either by the owner

or by a highway authority as may be specified in the order;

(*b*) determine and direct by whom the bridge and the road carried thereby and the approaches thereto shall be maintained;

(*c*) in the case of a swing bridge, determine and direct by whom and in what manner it shall be operated, so, however, that in the case of a swing bridge crossing a canal, he shall not direct that the bridge shall be operated otherwise than by the owner of the canal unless he is satisfied, after considering any representations made to him by the owner, that the facilities for traffic on the canal will not be prejudiced thereby;

(*d*) provide for the transfer to and vesting in a highway authority of the property in the bridge or the road carried thereby or the approaches thereto and of all or any rights and obligations attaching thereto;

(*e*) modify, so far as he considers necessary to give effect to the order, any statutory provisions applicable to a bridge other than the provisions of any general Act; so, however, that, in the case of a bridge crossing a railway or a canal, he shall not, without the consent of the owner of the railway or canal, modify any provisions relating to the headway of that bridge or the width of the canal and, in the case of a swing bridge, he shall not modify any provisions relating to precedence of traffic;

(*f*) make such incidental, consequential, and supplemental provisions as may appear necessary or proper for the purposes of the order, including such provisions authorising the acquisition of land or easements or the construction of works as could have been made under paragraph (*d*) of subsection (1) of section three of the Ministry of Transport Act, 1919, for the purposes specified in that paragraph.

9 & 10 Geo. 5. c. 50.

(3) Before making any order under this section with respect to a bridge crossing tidal lands, the Minister shall consult with the Board of Trade, and any order made

by him with respect to such bridge shall include such provisions as the Board of Trade may deem necessary.

(4) Before making an order under this section for the reconstruction or improvement of a bridge, the Minister shall take into consideration the desirability of special facilities or accommodation being provided for carrying across the bridge the mains, pipes, cables or wires of public utility undertakings:

Provided that, in any case where the provision of facilities or accommodation greater than those available in the bridge before reconstruction or improvement would increase the cost of the reconstruction or improvement, he shall have regard to the amount of any contribution towards such cost which any public utility undertaking may be willing to make.

(5) No order shall be made under this section with respect to any bridge to which any right to take tolls attaches.

(6) The Minister may postpone the date of the operation of an order made under this section in any case where it appears to him that, owing to the number or nature of the orders and applications affecting the same highway authority or bridges belonging to the same owner, the making of an order which would be immediately operative would work hardship to the authority or to the owner.

(7) An order made under this section shall be final and have effect as if enacted in this Act.

Provisions as to bridges of railway and canal companies and dock authorities.

4.—(1) An order made under this Act with respect to a bridge owned by a railway company which carries a road over a railway of the company, or carries both a road and a railway of the company, or with respect to a bridge owned by a dock authority, shall not, without the consent of the owners of the bridge, either require works for the reconstruction or improvement of the structure of the bridge to be carried out otherwise than by the owners, or direct the structure of the bridge to be maintained otherwise than by the owners, or transfer the property in the structure of the bridge to a highway authority, or, in the case of a swing bridge, direct the bridge to be operated otherwise than by the owners.

(2) In the case of a bridge owned by a railway company or a canal company and crossing a railway or

canal of the company, or owned by a dock authority and crossing any railway, lock, passage or other work of the dock authority, nothing in any order made under this Act shall, without the consent of the owners of the bridge, require the bridge to be altered or reconstructed in such a manner as to necessitate any alteration in the level, or reduction in the width, of that railway, canal, lock, passage or work, or to reduce the headway of the bridge as existing at the date of the order.

(3) An order made under this Act requiring the reconstruction of a bridge crossing a canal, or of the approaches to such a bridge, shall, unless the owner of the bridge agrees to the contrary, direct the structure of the bridge and the road carried thereby and the approaches thereto to be maintained by a highway authority.

(4) Nothing in this Act or in any order made thereunder shall be construed as authorising the stoppage of traffic on any canal without the consent of the owner thereof, and any highway authority carrying out any works authorised by this Act, or by any order made thereunder, with respect to a bridge crossing a canal shall take such steps as may be necessary to prevent, so far as practicable, any interference with traffic on that canal:

Provided that the consent of the owner of a canal to the temporary stoppage of traffic thereon shall not be unreasonably withheld, and any question whether such consent has been unreasonably withheld shall be determined by the Minister.

Provisions as to public utility undertakings.

5. Where an order made under this Act provides for the transfer to or vesting in a highway authority of the property in a bridge or the road carried thereby or the approaches thereto, or the responsibility for the maintenance of, or any rights and obligations attaching to, such bridge, road or approaches, any statutory provisions in force in relation thereto for the protection or benefit of any public utility undertaking, shall, except so far as may be otherwise expressly provided by the order after agreement between the parties concerned, remain in force notwithstanding such transfer and vesting, and in relation to any property, responsibilities, rights or obligations so transferred as aforesaid, those statutory provisions shall apply to the highway authority and to

the exercise by them of any powers under or in pursuance of the order in like manner as they applied to, and to the exercise of powers by, the owner of the bridge, road or approaches previously to the transfer.

Apportionment of costs.

6.—(1) Where an order has been made under this Act requiring the reconstruction or improvement of a bridge or the road carried thereby or the approaches thereto, or relating to the maintenance of any such bridge, road or approaches, or to the operation of a swing bridge, the expenses of such reconstruction, improvement, maintenance or operation shall be paid either wholly by the owner of the bridge, or wholly by one or more of the highway authorities entitled to exercise with respect to the bridge the powers conferred by this Act, or partly by the owner of the bridge and partly by one or more of the highway authorities, as in default of agreement may be determined by arbitration:

Provided that, unless otherwise agreed—

(*a*) where the bridge is a bridge crossing a railway or canal of a railway company or of a canal company, or a railway, lock, passage, or other work of a dock authority, any additional expense incurred by the owners of that railway, canal, lock, passage or work by reason of any alteration thereof due to the provisions of the order, not being provisions applied for by the owners for the improvement of their undertaking, shall be defrayed by one or more of the highway authorities;

(*b*) where the bridge is a swing bridge, any additional expense incurred by the owner in relation to the operation of the bridge due to the provisions of the order, not being provisions applied for by the owner for the improvement of his undertaking, shall be defrayed by one or more of the highway authorities;

(*c*) except so far as any additional expense is due to works executed at the instance of the owner of the bridge for the improvement of his undertaking, the owner's share of the expense of the reconstruction, improvement, maintenance or operation shall be an amount equivalent to what would have been the amount of the owner's liability if no such order had been made.

(2) Where the reconstruction or improvement of a bridge crossing a railway or canal of a railway company or of a canal company, or a railway, lock, passage or other work of a dock authority, effected in pursuance of an order made under this Act upon the application of a highway authority has caused the width between the parapets of the bridge, or the width of the approaches thereto, to be increased, any additional expense thereafter incurred in consequence of such increase by the owners of that railway, canal, lock, passage or work in connection with the widening or alteration thereof under the bridge or the approaches thereto shall be defrayed by one or more of the highway authorities; and any question whether any such additional expense has been so incurred or as to the amount thereof shall, in default of agreement, be determined by arbitration.

(3) Where it is determined by agreement or an award that the whole or part of the expenses of reconstruction, improvement, maintenance or operation is to be borne by two or more highway authorities, the amount shall be apportioned between them in such manner as, failing agreement, may be determined by arbitration.

Arbitration, &c. 52 & 53 Vict. c. 49.

7.—(1) Where any question is by this Act, or by any order made thereunder, to be referred to arbitration, the Arbitration Act, 1889, shall apply subject to the following modifications, that is to say:—

(*a*) the reference shall, unless otherwise agreed, be to a single arbitrator appointed by the President of the Institution of Civil Engineers;

(*b*) the arbitrator shall, if so required by any of the parties, state his award, as to the whole or any part thereof, in the form of a special case for the opinion of the High Court.

(2) Where by virtue of an agreement or award under this Act the owner of a bridge is required to contribute to the expenses of a highway authority, the contribution shall, at the option of the owner of the bridge, be either—

(*a*) a lump sum; or

(*b*) an annual payment of such amount and continuing for such number of years as, in default of agreement, may be determined by arbitration; or

(c) an annual payment continuing indefinitely of such amount as, in default of agreement, may be determined by arbitration.

(3) Any such lump sum and so much of any such annual payment as represents capital shall be applied by the highway authority for purposes for which capital money is applicable by them, and any question as to what part of any such annual payment represents capital shall be determined by the Minister of Health.

Expenses and borrowing.

8.—(1) Any expenses incurred by a council under this Act shall be defrayed by the council as part of their expenses as highway authority.

(2) The payment of expenses by a council under this Act shall be a purpose for which the council may borrow as a highway authority under the enactments applicable to the council as a highway authority.

Inquiries.

9.—(1) The Minister may hold inquiries for the purposes of this Act as if those purposes were purposes of the Ministry of Transport Act, 1919, and section twenty of that Act shall have effect accordingly.

(2) Where any inquiry is held under this Act, the Minister may make such order as to the payment of the costs incurred by him in connection with the inquiry as he may think just.

Power to make rules of procedure.

10.—(1) The Minister may make rules in relation to matters preliminary to the making of orders under this Act (including as respects orders which may authorise the acquisition of land or easements, the breaking up of roads, or the construction of works, the publication of notices and advertisements, and the deposit of plans and sections and books of reference to those plans), and the manner in which and the time within which representations or objections are to be made, and to the holding of inquiries.

(2) Any rules so made shall be laid before Parliament as soon as they are made and shall have effect as if enacted in this Act:

Provided that, if an Address is presented to His Majesty by either House of Parliament within twenty-one days on which that House has sat next after any such

rules are so laid praying that any such rule may be annulled, His Majesty may annul the rule, and it shall thenceforth be void, but without prejudice to the validity of anything done thereunder.

(3) Where it is proposed by an order made under this Act to authorise the acquisition of land or easements, or the construction of works, the provisions of the Second Schedule to the Ministry of Transport Act, 1919, shall apply in relation to the order in like manner as it applies to orders made under paragraph (*d*) of subsection (1) of section three of that Act.

Saving for Manchester Ship Canal Company.

11. This Act shall not apply to any bridge owned by the Manchester Ship Canal Company and crossing the Manchester Ship Canal.

Saving for Weaver Navigation Trustees.

12. An order made under this Act with respect to a bridge owned by the Weaver Navigation Trustees shall not, without the consent of the Trustees, either require any reconstruction or improvement of the bridge to be carried out otherwise than by the Trustees, or direct the structure of the bridge to be maintained otherwise than by the Trustees, or transfer the property in the structure of the bridge to a highway authority, or, in the case of a swing bridge, require the bridge to be operated otherwise than by the Trustees.

Saving for Postmaster-General. 41 & 42 Vict. c. 76.

13. For the purposes of section seven of the Telegraph Act, 1878 (which makes provision as to work done in pursuance of special Acts of Parliament which involves alteration in telegraphic lines), any work authorised or required by an order made under this Act shall be deemed to be work done in the execution of an undertaking authorised by an Act of Parliament, and the owner of a bridge or highway authority carrying out the work shall be deemed to be the undertakers.

Definitions.

14. In this Act, unless the context otherwise requires,—

"Minister" means the Minister of Transport:

"Highway authority" means the council of any county, county borough, metropolitan borough or urban district and the common council of the City of London:

"Bridge" includes the abutments thereof:

"Swing bridge" includes any opening bridge operated by mechanical means:

"Approach" in relation to a bridge includes any road and the works supporting and carrying such road for the maintenance of which the owner of the bridge is responsible and which connect the bridge with a road for the maintenance of which a highway authority is responsible:

"Reconstruction" in relation to a bridge includes the construction of a new bridge and approaches thereto in substitution for the existing bridge and the approaches thereto:

"Canal" includes inland navigation, and the towing-path of a canal shall be deemed to form part thereof:

"Tidal lands" means such parts of the bed, shore or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides, and "tidal water" means any part of the sea or any part of a river, channel, creek, bay or estuary within the flow and ebb of the tide at such tides:

"Dock authority" means the owners of any harbour or dock undertaking established by Act of Parliament:

"Public utility undertaking" means any company or authority which carries on a gas, water, hydraulic power, electricity, tramway, light railway or trolley vehicle undertaking, and "trolley vehicle" has the same meaning as in the Road Transport Lighting Act, 1927: 17 & 18 Geo. 5. c. 37.

Where a bridge crossing a railway or canal is owned by a railway company or canal company, and the railway or canal is leased to another company, any expression referring to the owner of such bridge, railway, or canal, shall be construed as including a reference to the company to which the railway or canal is leased.

15. This Act shall apply to Scotland subject to the following modifications:— Application to Scotland.

(*a*) Subsection (2) of section one of this Act shall not apply and the expression "highway authority" shall mean a county council

or a town council charged with the management and maintenance of the highways in the burgh, and the powers conferred by this Act on a highway authority shall be exercisable in the case of any bridge by the highway authority within whose area the bridge is situated, provided that where any bridge is situated partly in one area and partly in another area, the said powers shall be exercisable by the highway authority of either area or by the highway authorities of the two areas jointly. For the purpose of this provision "bridge" shall include the road carried thereby and the approaches thereto.

(*b*) Subsection (1) of section seven of this Act shall not apply, and where any question is by this Act or by any order thereunder to be referred to arbitration, the reference shall be to a single arbiter to be mutually chosen or, failing agreement, appointed by any sheriff having jurisdiction, and the arbiter may, and if so required by any of the parties shall, state in the form of a special case for the opinion of the Court of Session any question of law arising in the course of the arbitration.

(*c*) Any reference to the Minister of Health shall be construed as a reference to one of His Majesty's Principal Secretaries of State, and

(*d*) The expression "easement" shall mean "servitude."

Short title and extent.

16.—(1) This Act may be cited as the Bridges Act, 1929, and the Bridges Acts, 1740 to 1815, and this Act, may be cited together as the Bridges Acts, 1740 to 1929.

(2) This Act shall not extend to Northern Ireland.

CHAPTER 34.

An Act to amend the law with regard to the destruction of children at or before birth.

[10th May 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Punishment for child destruction.

1.—(1) Subject as hereinafter in this subsection provided, any person who, with intent to destroy the life of a child capable of being born alive, by any wilful act causes a child to die before it has an existence independent of its mother, shall be guilty of felony, to wit, of child destruction, and shall be liable on conviction thereof on indictment to penal servitude for life :

Provided that no person shall be found guilty of an offence under this section unless it is proved that the act which caused the death of the child was not done in good faith for the purpose only of preserving the life of the mother.

(2) For the purposes of this Act, evidence that a woman had at any material time been pregnant for a period of twenty-eight weeks or more shall be primâ facie proof that she was at that time pregnant of a child capable of being born alive.

Prosecution of offences.

2.—(1) A court of quarter sessions shall not have jurisdiction to inquire of, hear, or determine any indictment for an offence under this Act, or for an attempt to commit any such offence.

(2) Where upon the trial of any person for the murder or manslaughter of any child, or for infanticide, or for an offence under section fifty-eight of the Offences against the Person Act, 1861 (which relates to administering drugs or using instruments to procure abortion), the jury are of opinion that the person charged is not guilty of murder, manslaughter or infanticide, or of an offence under the said section fifty-eight, as the case may be, but that he is shown

24 & 25 Vict. c. 100.

by the evidence to be guilty of the felony of child destruction, the jury may find him guilty of that felony, and thereupon the person convicted shall be liable to be punished as if he had been convicted upon an indictment for child destruction.

(3) Where upon the trial of any person for the felony of child destruction the jury are of opinion that the person charged is not guilty of that felony, but that he is shown by the evidence to be guilty of an offence under the said section fifty-eight of the Offences against the Person Act, 1861, the jury may find him guilty of that offence, and thereupon the person convicted shall be liable to be punished as if he had been convicted upon an indictment under that section.

(4) Section sixty of the Offences against the Person Act, 1861 (which provides that a person acquitted of the murder of any child, or of infanticide, may, if shown by the evidence to be guilty of concealing the birth, be convicted and punished accordingly), shall apply in the case of the acquittal of a person on an indictment for child destruction as it applies to the acquittal of a person on an indictment for murder or infanticide.

61 & 62 Vict. c. 36.

(5) Section four of the Criminal Evidence Act, 1898, shall have effect as if this Act were included in the schedule to that Act.

Short title and extent.

3.—(1) This Act may be cited as the Infant Life (Preservation) Act, 1929.

(2) This Act shall not extend to Scotland or Northern Ireland.

CHAPTER 35.

An Act to amend section eighteen of the Fire Brigade Pensions Act, 1925.

[10th May 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows :—

1. The following amendments shall be made in section eighteen of the Fire Brigade Pensions Act, 1925 (which provides for the return of rateable deductions in certain cases) that is to say : Amendment of 15 & 16 Geo. 5. c. 47, s. 18.

(*a*) at the end of subsection (1) there shall be inserted the words "together with any sum paid by him to the local authority under subsection (2) of section twenty-two of this Act";

(*b*) in subsection (2), after the words "rateable deductions," in both places where those words occur, there shall be inserted the words "and sum";

(*c*) after subsection (2) there shall be inserted "the following subsection";

"(3) Where a professional fireman while serving in the fire brigade, dies in such circumstances that no pension, allowance, or gratuity is payable under section three of this Act at his death, the local authority shall pay to his widow or if he leaves no widow, to his personal representatives the whole of the rateable deductions which have been made from his pay, together with any sum paid by him to the local authority under subsection (2) of section twenty-two of this Act.

Provided that, where the deceased leaves no widow, the local authority may, if in the circumstances of the case they consider that it would be unreasonable to require probate or other proof of the title of his personal representatives, pay or distribute the amount payable under this subsection to or among the persons appearing to the local authority to be beneficially entitled to the personal estate of the deceased or to or among any one or more of those persons as the local authority may think fit, and the local authority, and any officer of the local authority making the payment, shall be discharged from all liability in respect of any such payment or distribution."

Short title and citation. 15 & 16 Geo. 5. c. 47.

2. This Act may be cited as the Fire Brigade Pensions Act, 1929, and shall be construed as one with the Fire Brigade Pensions Act, 1925, and that Act and this Act may be cited together as the Fire Brigade Pensions Acts, 1925 and 1929.

CHAPTER 36.

An Act to make void marriages between persons either of whom is under the age of sixteen.

[10th May 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Avoidance of marriages where either party is under sixteen. 48 & 49 Vict. c. 69.

1.—(1) A marriage between persons either of whom is under the age of sixteen shall be void:

Provided that in any proceedings against a person charged under subsection (1) of section five of the Criminal Law Amendment Act, 1885, or charged with indecent assault, it shall be a sufficient defence to prove that at the time when the offence is alleged to have been committed he had reasonable cause to believe that the girl in respect of whom it is alleged to have been committed was his wife.

(2) Nothing in this Act shall affect—

(*a*) any marriage solemnized or contracted before the passing of this Act, and any such marriage shall be or become valid in any case where, if this Act had not been passed, it would be or become valid, or

(*b*) in Scotland any right or capacity of legitimation *per subsequens matrimonium*.

Consequential amendment of 35 & 36 Vict. c. 65.

2. A single woman who has been delivered of a child may, upon proof that before the birth she was a party to what but for the passing of this Act would have been a valid marriage and that the other party thereto had access to her within twelve months

before the birth of the child, make at any time an application under section three of the Bastardy Laws Amendment Act, 1872, for a summons to be served on that party, notwithstanding that he may not within the twelve months next after the birth of the child have paid money for its maintenance.

Short title and extent.

3.—(1) This Act may be cited as the Age of Marriage Act, 1929, and the Marriage Acts, 1811 to 1898, and this Act so far as it relates to England may be cited together as the Marriage Acts, 1811 to 1929, and the Marriage (Scotland) Act, 1834, the Marriage (Scotland) Act, 1856, the Marriage Notice (Scotland) Act, 1878, the Marriage (Scotland) Act, 1916, and this Act so far as it relates to Scotland may be cited together as the Marriage (Scotland) Acts, 1834 to 1929.

4 & 5 Will. 4. c. 28. 19 & 20 Vict. c. 96. 41 & 42 Vict. c. 43. 6 & 7 Geo. 5. c. 7.

(2) This Act shall not extend to Northern Ireland.

CHAPTER 37.

An Act to amend the Police Magistrates (Superannuation) Act, 1915, so far as relates to Metropolitan Police Magistrates.

[10th May 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Amendment of s. 1 of principal Act with respect to scale of allowances and age of retirement. 5 & 6 Geo. 5. c. 74.

1.—(1) The Police Magistrates (Superannuation) Act, 1915 (in this Act referred to as "the principal Act"), shall, in its application to metropolitan police magistrates, have effect as if the following paragraph were substituted for paragraph (*c*) of subsection (1) of section one thereof:—

"(*c*) To a magistrate who has served seven years or upwards, a further addition to the annual allowance—

(i) of one-sixtieth in respect of each additional year of such service until the

completion of the tenth year of such service; and

(ii) of two-sixtieths in respect of each additional year of such service after the completion of the said tenth year of service until the completion of the twentieth year of service:

Provided that no addition shall be made to the allowance in respect of any service beyond twenty years."

(2) Subsection (3) of section one of the principal Act (which provides that no superannuation allowance under the said Act is to be granted to a person under sixty years of age except on a medical certificate) and subsection (5) of the said section (which makes a person to whom a superannuation allowance has been granted under the principal Act before he has attained the age of sixty years liable until he has attained that age to be called upon to fill any public office or situation under the Crown) shall, in their application to metropolitan police magistrates appointed on or after the first day of January, nineteen hundred and twenty-nine, have effect as if the words "sixty-five years of age" and the words "age of sixty-five years" were therein substituted respectively for the words "sixty years of age" and the words "age of sixty years."

Application of principal Act as amended.

2. The principal Act, as amended by this Act, shall apply to all metropolitan police magistrates whether appointed before or after the passing of this Act, and in the case of magistrates appointed before the passing of the principal Act, whether the principal Act did or did not apply to them:

Provided that any magistrate appointed before the passing of this Act may, at any time within two months after the passing of this Act, give notice in writing to the Treasury that he desires to remain subject to such enactments relating to superannuation allowances as applied in his case immediately before the passing of this Act, and this Act shall not apply to any person by whom notice is so given.

Short title and repeal.

3.—(1) This Act may be cited as the Police Magistrates Superannuation (Amendment) Act, 1929, and the

principal Act and this Act may be cited together as the Police Magistrates (Superannuation) Acts, 1915 and 1929.

(2) The words "metropolitan police magistrates or" in subsection (7) of section one of the principal Act are hereby repealed.

CHAPTER 38.

An Act to declare the law with respect to the issue of process by justices for compelling the attendance of witnesses in bastardy proceedings. [10th May 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Declaration of law with respect to witness process in bastardy proceedings. 17&18Geo.5. c. 14. 7 & 8 Vict. c. 101.

1. It is hereby declared that the repeal by the Poor Law Act, 1927, of section seventy of the Poor Law (Amendment) Act, 1844 (which is set out in the Schedule to this Act), did not operate to repeal the said section in its application to bastardy proceedings, and that accordingly the said section, notwithstanding the said repeal, always continued and continues in operation in its application to such proceedings.

Short title.

2. This Act may be cited as the Bastardy (Witness Process) Act, 1929.

SCHEDULE.

SECTION 70 OF THE POOR LAW (AMENDMENT) ACT, 1844.

In any proceedings to be had before justices in petty or special sessions, or out of sessions, under the provisions of this Act or of any of the Acts required to be construed as one Act herewith, if any party to such proceedings request that any person be summoned to appear as a witness in such proceedings, it shall be lawful for any justice to summon such person to appear and give evidence upon the matter of such proceedings; and if any person so summoned neglect or refuse to appear to give evidence at the time and place appointed in such summons, and if proof upon oath be given of personal service of the summons upon such person, and that the reasonable expenses of attendance were paid or tendered to such person, it shall be lawful for such justice, by warrant under his hand and seal, to require such person to be brought before him, or any justices before whom such proceedings are to be had; and if any person coming or brought before any such justices in any such proceedings refuse to give evidence thereon, it shall be lawful for such justices to commit such person to any house of correction within their jurisdiction, there to remain without bail or mainprize for any time not exceeding fourteen days, or until such person shall sooner submit himself to be examined, and in case of such submission the order of any such justice shall be a sufficient warrant for the discharge of such person.

CHAPTER 39.

An Act to amend section thirty-two of the Salmon and Freshwater Fisheries Act, 1923.

[10th May 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows :—

1. Section thirty-two of the Salmon and Freshwater Fisheries Act, 1923 (which prohibits the sale of trout at certain times), shall be amended by the insertion therein after subsection (1) thereof of the following subsections— Amendment of s. 32 of 13 & 14 Geo. 5. c. 16.

"(1A) This section shall not apply to any person buying, selling or exposing for sale, or having in his possession for sale—

(*a*) any trout which has been canned, frozen, cured, salted, pickled, dried or otherwise preserved beyond the limits of Great Britain and Ireland; or

(*b*) any trout which has been canned, frozen, cured, salted, pickled, dried or otherwise preserved within Great Britain or Ireland between the first day of March and the thirty-first day of August in any year; or

(*c*) any trout (not being an unclean trout) caught beyond the limits of Great Britain and Ireland; or

(*d*) any trout (not being an unclean or immature trout) caught within Great Britain or Ireland, if its capture by any net, instrument or device other than a rod and line was lawful at the time and in the place where it was caught.

"(1B) The burden of proving that any trout bought, sold, exposed for sale, or in the possession of any person for sale between the thirty-first day of August and the first day of March following is not bought, sold, exposed for sale, or in the possession of that person for sale in contravention of this section, shall lie on the person buying, selling or exposing for sale, or having in his possession for sale, such trout."

2. This Act may be cited as the Salmon and Freshwater Fisheries (Amendment) Act, 1929. Short title.

TABLE II.

A TABLE

OF

THE TITLES OF THE MEASURES PASSED BY THE NATIONAL ASSEMBLY OF THE CHURCH OF ENGLAND WHICH RECEIVED THE ROYAL ASSENT DURING THE SESSION.

[19 & 20 GEORGE 5.]

19 & 20 GEORGE 5.

ROYAL ASSENT, 10th May, 1929.

No. 1. A Measure to provide for the better care of Parochial Registers and other Records in Ecclesiastical custody, and the establishment of Diocesan Record Offices. (*Parochial Registers and Records*).

No. 2. A Measure to amend the Rules for the Representation of the Laity contained in the Schedule to the Constitution. (*Representation of the Laity.*)

No. 3. A Measure to amend the Ecclesiastical Dilapidations Measure, 1923. (*Ecclesiastical Dilapidations (Amendment).*)

No. 4. A Measure to make further provision as to the apportionment of the income of the Dean and Chapter of Westminster. (*Westminster Abbey.*)

MEASURES

PASSED BY THE NATIONAL ASSEMBLY OF THE CHURCH OF ENGLAND WHICH RECEIVED THE ROYAL ASSENT DURING THE YEAR 1929.

19 & 20 Geo. 5.

No. 1.

A MEASURE passed by the National Assembly of the Church of England.

To provide for the better care of Parochial Registers and other Records in Ecclesiastical custody, and the establishment of Diocesan Record Offices. [10th May 1929.]

Care of parochial registers.

1.—(1) The bishop of every diocese shall have power—

(i) to direct that register books of baptisms, marriages and burials in the power and custody of any minister of the diocese shall be kept in a chest or safe, which in respect of—

(*a*) the material of which it is constructed,

(*b*) its holding capacity, and

(*c*) the security it affords against damage by fire, damp, or otherwise, and against any wrongful interference with the register books,

shall conform with the requirements of the bishop;

(ii) to direct that any chest or safe in which such register books are kept shall from time to time, as occasion may require, be repainted or repaired;

(iii) to direct that any such register books shall from time to time, as occasion may require, be rebound or repaired; and

(iv) from time to time to issue such general directions as to the safe keeping and care of such register books as he may think expedient;

and any directions given by a bishop under this section shall be binding on all persons concerned, either as owners or as custodians of such register books.

(2) Section five of the Parochial Registers Act, 1812, shall have effect subject to the provisions of this Measure, and the expense of complying with any directions given under this section shall be met by the parochial church council concerned out of any monies in the hands of such council either specially collected for the purpose or otherwise available.

Diocesan record office.

2.—(1) The bishop of every diocese shall have power to establish a diocesan record office either at the same place as that at which the diocesan registry is situate or at some other place selected by him, and shall also have power to make such regulations and to appoint such officers as shall be necessary for the conduct of the business of such diocesan record office.

(2) The bishop shall, in selecting the place where a diocesan record office is to be established under this section, have regard to the question whether it affords adequate security against damage by fire, damp, or otherwise.

(3) Any register books of baptisms, marriages and burials deposited in a diocesan record office pursuant to the provisions of this Measure shall be kept by and remain in the power and custody of the chief officer of such office.

Deposit of parochial registers and parochial records in diocesan record office.

3. After a diocesan record office has been established in any diocese, any minister in such diocese may, subject to the provisions of this Measure, with the consent of the bishop and the parochial church council, deposit in such diocesan record office—

(i) any register books of baptisms, marriages or burials which are in his power and custody, not being books in actual use for the purpose of making entries therein; or

(ii) any deeds or documents of value as historical records or as evidence of legal rights which are in his custody or in that of the churchwardens or of the parochial church council, or in the joint custody of any of them.

Orders for deposit of parochial registers and parochial records may be made in certain cases.

4.—(1) After a diocesan record office has been established in any diocese, the bishop shall have power from time to time to cause the register books of baptisms, marriages and burials in the power and custody of any minister in such diocese to be inspected and reported on by some person authorised by him.

(2) If it shall appear to the bishop from a report made to him under this section that any register books of baptisms, marriages and burials in the power and custody of any minister in his diocese are exposed to danger of loss or damage or that any directions given by him in respect thereof under the powers conferred on him by this Measure have not been complied with, the bishop shall send a copy of such report to such minister, and shall consider any representations made to him by such minister within a period of fourteen days from the sending of such report.

(3) After the expiration of the aforesaid period the bishop shall, subject to the provisions of this Measure, have power to order that the register books of baptisms, marriages and burials in the power and custody of such minister, not being books in actual use for the purpose of making entries therein, or such of them as the bishop shall specify, shall be deposited in the diocesan record office—

(i) within seven days from the date of the order, if he shall be of opinion that the matter is urgent and that circumstances so require; or

(ii) within a period to be specified in the order, unless within that period he shall have been satisfied that adequate steps have been taken to remove the danger or to comply with the directions as the case may be.

(4) The foregoing provisions of this section shall apply with the necessary modifications to deeds and documents of value as historical records or as evidence of legal rights whether in the custody of a minister or in

that of churchwardens or of a parochial church council, or in the joint custody of any of them.

Certain registers and documents not to be deposited in diocesan record offices.

5. Nothing contained in this Measure shall authorise the deposit in a diocesan record office of—

(i) any duplicate register book of marriages which, when filled, is under the provisions of section thirty-three of the Births and Deaths Registration Act, 1836, to be delivered to a superintendent registrar;

(ii) any manorial document as defined in the Second Schedule to the Law of Property (Amendment) Act, 1924; or

(iii) any document deposited in a parish under the Tithe Acts, 1836 to 1925, or under any local or personal Act by virtue of which any corn rents, rentcharges, or money payments, are payable in lieu of tithes.

Return of parochial registers and parochial records.

6.—(1) A bishop shall have power to order that any register books of baptisms, marriages or burials, or any deeds and documents, which have been deposited in the diocesan record office of his diocese, shall be returned to and placed in the power and custody of the minister or other persons who would have been entitled to the power and custody thereof if the same had not been deposited in a diocesan record office.

(2) In any case where—

(i) an application is made to a bishop for the return of any register books or of any deeds or documents under the provisions of this section by such minister or other persons as aforesaid, and

(ii) the bishop is satisfied that any directions which he may give with regard to such register books or to such deeds and documents will, upon and after their return, be duly complied with,

the bishop shall exercise in respect of such register books or of such deeds and documents the power conferred on him by this section.

(3) The powers conferred by this Measure shall continue to be exerciseable in respect of register books,

and of deeds and documents, returned under the provisions of this section.

Transfers between diocesan record offices.

7. Any register books, deeds or documents deposited in the diocesan record office of a diocese, which by reason of the foundation of a new diocese or of any alteration in the area of any diocese does not include the area to which such register books, deeds or documents belong, shall be transferred to the diocesan record office of the diocese which includes such area, or if a diocesan record office has not been established in such diocese, and pending its establishment, to the custody of the diocesan registrar.

Special provisions as to marriage registers.

8. Every chief officer of a diocesan record office and every diocesan registrar who under this Measure has in his custody any register books of marriages solemnised after the passing of the Births and Deaths Registration Act, 1836, shall—

(i) furnish the Registrar-General with particulars of such register books; and

(ii) in any case where any of such register books is required for the purpose of correcting any erroneous entry therein under the provisions of the said Act or any amendment thereof, deliver the same to the minister concerned and permit him to retain the same for such period as shall be requisite for the said purpose.

Arrangements for printing parochial registers and parochial records.

9. The bishop shall have power upon the application of any person or body of persons desiring, at his or their own cost, to print or otherwise reproduce the whole or any part of any register book of baptisms, marriages or burials in the power and custody of any minister in his diocese, or any deed or document which admits of being deposited in a diocesan record office under the foregoing provisions of this Measure, to authorise the temporary deposit of such register book, deed or document in the diocesan record office, or pending the establishment of such office with the diocesan registrar, so as to be available for printing or other reproduction upon such terms as to the costs and expenses incurred being borne by the person or body of persons making the application as the bishop may think proper.

Orders may be enforced by application to the county court.

10.—(1) If a minister or any other person neglects or refuses to comply with any order made by a bishop under this Measure for the deposit of any register books or of any deeds or documents in the diocesan record office, the bishop may apply to the county court of the district in which such register books or such deeds or documents are situate for an order for the delivery thereof, and the court, if satisfied that the procedure prescribed by this Measure in relation thereto has been duly followed, may make an order accordingly.

(2) In any case where any register books of baptisms, marriages or burials which were originally in the power and custody of any minister or of any minister and churchwardens in the diocese of any bishop are in the possession of any other person, whether within the diocese or elsewhere, the bishop may apply to the county court of the district where such register books are situate, and the court, if satisfied that the person in whose possession they are has no title to or right to the possession of them, may make an order for the delivery of such register books to the bishop for deposit in the diocesan record office or with the diocesan registrar, or for return to the minister as the bishop shall think fit.

(3) For removing doubts it is hereby declared that subject to the provisions of this Measure the title to or right to the possession of register books of baptisms, marriages or burials in the lawful power and custody of a minister or of a minister and churchwardens is incapable of assignment whether for value or otherwise.

Searches of and certificates of entries in deposited parochial registers.

11.—(1) The existing law relating to searches of register books of baptisms, marriages and burials, certified copies of or extracts from the entries therein and fees payable for searches and certificates respectively shall continue to apply to any register books of baptisms, marriages and burials deposited under this Measure in a diocesan record office or with a diocesan registrar, and so that all rights and duties conferred or imposed on ministers by such existing law shall in respect of the register books so deposited be transferred to and performed by the chief officer of such office or the diocesan registrar as the case may be.

(2) The said fees shall—

(i) in the case of register books deposited in a diocesan record office, be paid to the chief

officer of such office and applied by him in such manner as shall be laid down by any regulations made by the bishop under this Measure for the conduct of the business of such office; and

(ii) in the case of register books deposited with a diocesan registrar, be paid to such registrar.

(3) Provided that—

(i) in any case where any register books have been deposited in a diocesan record office or with a diocesan registrar by a minister or upon the application of a person or body desiring to print or otherwise reproduce the same, one-half of the said fees shall be accounted for and paid to the minister who would have received the said fees if such register books had not been deposited; and

(ii) subject to the rights of any minister under the foregoing provisions of this section, the said regulations may provide that any register books deposited in a diocesan record office may be searched for purposes of historical research without payment of any fee.

Power to establish several diocesan record offices.

12. The bishop of a diocese shall have power, where circumstances so require, to establish more than one diocesan record office under this Measure, and to decide any question which may arise as to the office in which any register books or any deeds and documents shall be deposited under this Measure, and any other question which may arise by reason of more than one office having been established.

Interpretation.

13. In this Measure,

the expression "minister" means every rector, vicar, curate or other officiating minister having any register books of baptisms, marriages or burials in his power and custody, but does not include a chaplain appointed by a body maintaining a cemetery under statutory powers;

the expression "parish" includes any area for which a Parochial Church Council is elected.

Short title.

14. This Measure may be cited as the Parochial Registers and Records Measure, 1929.

Extent.

15. This Measure shall extend to the whole of the Provinces of Canterbury and York except the Channel Islands and the Isle of Man.

No. 2.

A MEASURE passed by the National Assembly of the Church of England.

To amend the Rules for the Representation of the Laity contained in the Schedule to the Constitution. [10th May 1929.]

Substitution of new rules for the representation of the laity.

1.—(1) From and after the passing of this Measure the Rules for the Representation of the Laity contained in the Schedule to the Constitution, as amended by the Representation of the Laity (Amendment) Measure, 1922, shall cease to have effect, and the Rules for the Representation of the Laity contained in the Schedule to this Measure shall be substituted therefor.

(2) Provided that nothing contained in this Measure shall affect anything duly done or suffered or any right or obligation acquired or incurred under the said first mentioned Rules.

Repeal.

2. The Representation of the Laity (Amendment) Measure, 1922, is hereby repealed.

Interpretation of 9 & 10 Geo. 5, c. 76, and 11 & 12 Geo. 5, No. 1.

3.—(1) In the Church of England Assembly (Powers) Act, 1919, and the Parochial Church Councils (Powers) Measure, 1921, the expression "the Constitution" shall include the Constitution as varied by this Measure.

(2) In section eight of the Parochial Church Councils (Powers) Measure, 1921, the words "Subject and in addition to the provisions of section III, paragraph 4, of the Schedule to the Constitution" are hereby repealed.

Short title

4. This Measure may be cited as the "Representation of the Laity Measure, 1929."

SCHEDULE.

Rules for the Representation of the Laity.

Preliminary.

Interpretation.

1. In these rules—

"Parish" means an ecclesiastical parish or district, whether old or new, the minister of which has a separate cure of souls therein, and includes any district within a parish which is constituted a "conventional district" for the cure of souls and has a separate curate licensed thereto;

"Minister" means the incumbent, perpetual curate, or curate in charge of a parish;

"Ruri-decanal conference" means an assembly of clergy and laity containing lay representatives elected in accordance with these rules, and meeting periodically under the presidency of the rural dean;

Words importing residence import an abode of a permanent and not merely of a casual or temporary nature.

Lay Representation.

2.—(1) The laity shall meet in parochial church meetings and be represented in—

(i) Parochial church councils;

(ii) Ruri-decanal conferences where such conferences exist;

(iii) Diocesan conferences; and

(iv) the House of Laity,

by representatives of either sex (in these rules referred to as "lay representatives") who are actual lay communicant members of the Church of England of twenty-one years of age and upwards.

(2) No person shall be qualified to be elected as a lay representative in any of the said bodies unless previously to his election he shall have consented to serve as a lay representative in that body.

(3) No person shall be disqualified from being elected as a lay representative—

(i) by the fact that he is not himself qualified to vote at the election at which he is elected (but this provision shall not apply to a lay representative in a parochial church council who must be qualified to vote at such election); or

(ii) by the fact that he is also a member ex officio or otherwise of the body to which he is elected.

(4) No lay representative shall vacate his seat upon the body to which he has been elected by reason of the fact that subsequently to his election he has become a member of that body ex officio.

Church Electoral Roll.

Formation, Revision, and Publication.

3.—(1) There shall be a church electoral roll (in these rules referred to as " the roll ") in every parish.

(2) The persons entitled to have their names entered upon the roll of a parish shall be lay members of the Church of England, of either sex, of eighteen years of age and upwards, who—

(*a*) are baptized and declare that they are members of the Church of England and that they do not belong to any religious body which is not in communion with the Church of England; and

(*b*) are resident in the parish, or (whether or not so resident) have habitually attended public worship in the parish during a period of six months prior to enrolment; and

(*c*) have signed the form of application for enrolment set out in Appendix I to these rules.

(3) No person shall be entitled to be upon the roll of more than one parish in the same diocese.

(4) The roll shall, until a parochial church council (in these rules referred to as " the council ") has been constituted in a parish, be formed and revised by the minister and churchwardens (if any), and shall, after a council has been constituted, be kept and revised by the council.

(5) The names of persons who are entitled to have their names entered upon the roll of a parish shall, subject to the provisions of these rules, be from time to time added to the roll by or under the direction of the council.

(6) The names of persons who have ceased to be entitled to be upon the roll of a parish, or who have signified in writing their desire that their names shall be removed from the roll, may, subject to the provisions of these rules, be at any time removed from the roll by or under the direction of the council.

(7) The roll of a parish shall be revised annually by or under the direction of the council, such revision being effected pursuant to a public notice in the form set out in Appendix II to these rules (or in a substantially similar form), given not less than fourteen days before the commencement of the revision. The revision shall be completed not less than fifteen days or more than twenty-eight days before the annual parochial church meeting.

(8) Upon every revision all enrolments or removals from the roll which have been effected since the date of the last revision (or since the formation of the roll, if there has been no previous revision) shall be verified, and such further enrolments or removals from the roll as may be required shall be effected.

(9) After the completion of the revision the roll as revised (or the roll as originally formed in any case where there has not been any revision thereof) shall, together with a list of the names of the persons removed from the roll since the last revision, be published by being exhibited continuously for not less than fourteen days before the annual parochial church meeting on or near to the principal door of the church in such manner as the council shall appoint, and no name shall be entered upon or removed from the roll during the period in any year between the completion of the revision and the annual parochial church meeting.

(10) Any person desiring to continue upon the roll of a parish after he has ceased to be resident in that parish, and being qualified by habitual attendance at public worship, shall make a fresh application for enrolment in the form set out in Appendix I to these rules.

(11) Upon the alteration of the areas of any parishes any necessary consequential transfers from the roll of one of such parishes to that of another of them which may be required shall be effected by or under the authority of the councils concerned, and no application for enrolment consequential upon such alteration shall be required.

Notices to be sent in certain cases.

4.—(1) In any case where the name of a person residing in one parish is entered on the roll of another parish in the same diocese, notice of the fact shall be sent by the secretary of the council having the custody of such roll to the secretary of the council of the parish in which such person resides.

(2) When a person applying for enrolment on the roll of any parish signifies his desire that his name shall be removed from the roll of any other parish, notice of the fact shall be sent by the secretary of the council receiving the application to the secretary of the council of such last mentioned parish.

(3) When the name of any person is removed from the roll of a parish owing to his having become resident in another parish, notice of the fact shall, whenever possible, be sent to the secretary of the council of the parish in which such person has become resident.

(4) The forms of notice set out in Appendix III. to these rules (or substantially similar forms) shall be used for the purposes of this rule.

(5) An omission to comply with any of the requirements of this rule shall not disqualify any person whose name has been entered upon any roll.

Annual Parochial Church Meeting.

When to be held.

5.—(1) In every parish there shall be held annually not later in the year than in Easter week or in the following week the annual parochial church meeting of all persons whose names are entered upon the roll of the parish (in these rules referred to as " the annual meeting ").

(2) Clerks in Holy Orders who are resident in a parish and who are not beneficed in or licensed to any other parish or who, whether resident in the parish or not, are licensed to the parish, shall be entitled to attend the annual meeting, and to take part in its proceedings, except that they shall not be entitled to vote at any election of the parochial lay representatives.

Convening of Annual Parochial Church Meeting.

6.—(1) The annual meeting shall be convened by the minister of the parish by a notice in the form set out in Appendix IV to these rules (or in a substantially similar form) affixed on or near to the principal door of the church, and of every other building licensed for divine service in the parish, for a period including the last two Sundays before the day of meeting.

(2) The annual meeting shall be held at such place on such date and at such hour as shall be directed by a previous annual meeting, or by the council (which may vary any direction given by a previous annual meeting), or in the absence of any such direction as shall be appointed by the minister.

(3) During a vacancy of the benefice or curacy or when the minister is absent or incapacitated by illness or any other cause, the vice-chairman of the council, or if there shall be no vice-chairman, or if he shall be unable or unwilling to act, the secretary of or some other person appointed by the council, shall have all the powers vested in the minister under this rule.

Chairman.

7. The minister, if present, or if he is not present, the vice-chairman of the council, or, if he also is not present, a chairman chosen by the annual meeting shall preside thereat. In case of an equal division of votes, the chairman of the meeting shall have a second or casting vote; but no clerical chairman shall have a vote (except a casting vote) in the election of the parochial lay representatives.

Business.

8.—(1) The annual meeting shall receive from the council, and shall be free to discuss—

(*a*) A copy or copies of the roll;

(*b*) An anuual report on the proceedings of the Council and on the financial affairs of the parish;

(*c*) The audited accounts of the council for the year ending on the thirty-first of December immediately preceding the meeting; and

(*d*) A report upon the fabric, goods and ornaments of the church or churches of the parish.

(2) The annual meeting shall elect parochial lay representatives—

(*a*) to the diocesan conference, unless the diocesan conference shall otherwise determine;

(*b*) to the ruri-decanal conference, when it exists; and

(*c*) to the council of the parish,

subject to and in accordance with the rules hereinafter contained relating to such elections respectively.

(3) The sidesmen of the parish shall be elected by the annual meeting and the minister as provided by section fourteen of the Parochial Church Councils (Powers) Measure, 1921 :

Provided that if the annual meeting and the minister are unable to agree, one-half of the whole number of sidesmen shall be elected by the annual meeting and one-half shall be nominated by the minister.

(4) Any person entitled to attend the annual meeting may ask any question about parochial church matters, or bring about a discussion of any matter of parochial or general church interest, by moving a general resolution or by moving to give any particular recommendation to the council in relation to its duties.

(5) The annual meeting shall have power to adjourn, and to determine its own rules of procedure.

(6) The secretary of the council (or, in his absence, another person appointed by the meeting in his place) shall act as clerk of the annual meeting, and shall record the minutes thereof.

Special Parochial Church Meetings.

9.—(1) In addition to the annual meeting, the minister of a parish may, and he shall, on receipt of a written requisition signed by not less than one-third of the lay members of the council, convene a special parochial church meeting.

(2) The provisions of these rules relating to the convening and the conduct of the annual meeting shall, with the necessary modifications, apply to a special parochial church meeting.

Parochial Church Councils.

Members.

10.—(1) The parochial church council shall consist of—

(i) The minister of the parish;

(ii) The following ex officio members, namely—

(*a*) the licensed assistant curate, or one licensed assistant curate nominated by the minister when there are more than one;

(*b*) the churchwardens, being communicant members of the Church of England; and

(*c*) any lay members of any ruri-decanal conference or any diocesan conference, or the church assembly, who are on the roll of the parish;

(iii) such number of lay representatives as the annual meeting may decide, and so that the number determined may be altered from time to time by a resolution passed at any annual meeting, but such resolution shall not take effect before the next ensuing annual meeting; and

(iv) co-opted members, if the council so decides, not exceeding in number one-fifth of the lay representatives elected under the last preceding paragraph of this rule, and being either in Holy Orders or lay communicant members of the Church of England of either sex, of twenty-one years of age or upwards.

(2) In the case of a parish the population of which does not exceed three hundred, the lay members of the council shall, if the diocesan conference so determines, consist of all persons who would be qualified to be elected lay representatives if an election were held, together with the churchwardens, being communicant members of the Church of England.

Chairman and Vice-Chairman.

11.—(1) The minister of the parish shall be chairman of the council.

(2) A lay member of the council shall be elected as vice-chairman.

Extraordinary Meetings.

12.—(1) On representation made to the archdeacon by not less than one-third of the lay members of the council, or by one-tenth of the persons on the roll of the parish, and deemed by the archdeacon to have been made with sufficient cause, the archdeacon shall convene an extraordinary meeting of the council or an extraordinary parochial church meeting, and shall either take the chair himself or shall appoint a chairman to preside at such meeting.

(2) At any such extraordinary meeting, when seven days' notice has been given of a motion that any representation relating to the conduct of the minister shall be made to the bishop of the diocese, the archdeacon may, in his discretion, request the minister not to be present, but to make a communication in writing to the chairman. If such communication be made, it shall be read to the meeting.

(3) Provided that in any case where the archdeacon is himself the minister, any representation under subsection (1) of this rule shall be made to the bishop, who shall either act personally or appoint some other clerk in Holy Orders to act in place of the archdeacon; and the bishop or the clerk so appointed shall have all the powers conferred on the archdeacon by this rule.

Parochial and other Elections.

Elections to the Parochial Church Council.

13.—(1) The number of lay representatives to be elected in each parish to the council shall be determined in accordance with the provisions of rule 10 of these rules.

(2) Lay representatives in the council of a parish shall hold office from the date of their election until the conclusion of the next ensuing annual meeting of the parish:

Provided that the annual meeting may decide that one-third only (or the number nearest to one-third) of the lay representatives elected to the council shall retire from office in every year, and in any case where it is so decided the lay representatives to retire from office at each annual meeting shall be those who have been longest in office, and so that as between lay representatives elected on the same day, those to retire shall (unless they otherwise agree among themselves) be selected by lot.

(3) A retiring lay representative in the council shall, if otherwise qualified, be eligible for re-election.

(4) In any parish where there are two or more churches an annual meeting may frame or adopt a scheme for the election

of lay representatives to the council in such manner as to secure due representation on the council of the congregation of each of such churches :

Provided that no such scheme shall be valid unless approved by at least two-thirds of the persons present and voting at the annual meeting, nor shall it become operative until the next ensuing annual meeting. Every such scheme shall, on its approval, be communicated to the secretary of the diocesan conference.

Elections to and Composition of the Ruri-decanal Conference.

14.—(1) The number of lay representatives to be elected in each parish to the ruri-decanal conference (if any) shall in all cases be such as the diocesan conference shall from time to time appoint.

(2) Lay representatives elected to the ruri-decanal conference shall hold office for one year, or such longer period, not exceeding three years, as the diocesan conference shall from time to time appoint.

(3) The following persons shall be ex officio members of the ruri-decanal conference of every rural deanery, namely :—

(*a*) all members of the House of Laity whose names are entered upon the roll of any parish within such rural deanery; and

(*b*) in any case where such ruri-decanal conference elects lay representatives to the diocesan conference, all persons who are so elected.

Elections to the Diocesan Conference.

15.—(1) Unless the diocesan conference otherwise determines, the annual meeting of every parish shall elect such number of lay representatives to the conference as the conference shall from time to time appoint.

(2) In any diocese in which the diocesan conference determines that the lay representatives in that conference shall not be elected, or shall not be exclusively elected, at the annual meeting in every parish of the diocese, they shall be elected, according as the diocesan conference may determine, either

(i) by the lay representatives in each ruri-decanal conference voting in such manner as, subject to the provisions of the next succeeding rule, the ruri-decanal conference may determine; or

(ii) partly at the annual meetings, and partly by the lay representatives in the ruri-decanal conferences; or

(iii) according to a scheme approved by the diocesan conference whereby parishes may be grouped for the purpose of jointly electing lay representatives to the conference ; or

(iv) according to a scheme approved by the diocesan conference combining two or more of the methods of election authorised by this rule.

(3) Lay representatives elected to the diocesan conference in the year 1927 and in any subsequent year in which an election is held shall hold office for three years.

Method of Voting at the above Elections.

16.—(1) At every election to the parochial church council, the ruri-decanal conference, and the diocesan conference, each person entitled to vote shall have as many votes as there are persons to be elected, but may not give more than three votes to any one candidate.

(2) Where an equality of votes renders a casting vote necessary to decide the election, it shall be given by the person presiding over the election.

Conduct of Elections by the Annual Meeting.

17.—(1) All candidates at elections of lay representatives by the annual meeting of a parish must be nominated and seconded by persons whose names are entered on the roll of the parish.

(2) If the number of candidates nominated is not greater than the number of seats to be filled, the candidates nominated shall forthwith be declared elected.

(3) If more candidates are nominated than there are seats to be filled, the election shall take place at the annual meeting, unless a poll is demanded by at least one-fifth of the voters present.

(4) If the election takes place at the meeting, votes may be tendered either on voting papers in a form substantially similar to that set forth in Appendix V to these rules, or, if all those present consent thereto, by show of hands.

(5) If a poll is duly demanded, the annual meeting shall forthwith elect a person to preside over it, and the poll shall be conducted in the manner prescribed in Appendix V to these rules. The expenses of the poll shall be defrayed in such manner as shall be directed by the diocesan conference.

(6) The result of an election by an annual meeting shall be announced as soon as practicable by the person presiding over the election, and a notice of the result shall in every case be affixed on or near to the principal door of the church and of

every other building licensed for divine service in the parish, and shall bear the date on which it is affixed. Such notice shall remain affixed for not less than fourteen days, and a copy thereof shall be sent to the rural dean, or, in the case of there being no rural dean, to the archdeacon.

Appeals.

18.—(1) There shall be a right of appeal by any person aggrieved against—

(*a*) any enrolment, or refusal of enrolment, on the roll of a parish ;

(*b*) the removal of any name, or the refusal to remove any name, from the roll of a parish ;

(*c*) the allowance or disallowance of any vote given or tendered under the foregoing rules ; and

(*d*) the result of any election held or purporting to be held under the foregoing rules.

(2) Notice of any such appeal shall be given in writing to the rural dean, or if there be no rural dean, to the archdeacon. Such notice shall be given—

(*a*) in the case of an appeal against an enrolment or a refusal of enrolment, or in the case of an appeal against the removal of any name or the refusal to remove any name from the roll, not later than seven days after the date of the annual meeting next following such enrolment or refusal of enrolment, or removal or refusal to remove ;

(*b*) in the case of an appeal against the allowance or disallowance of a vote, within seven days after the date of such allowance or disallowance ; and

(*c*) in the case of an appeal against the result of an election, within seven days after the result thereof has been announced.

(3) A lay electoral commission shall be constituted in each diocese by the diocesan conference, and any appeal shall be considered and decided by such two or more members of the Commission as the Commission shall appoint, and their decision shall be final.

(4) For the purpose of such consideration and decision, the members of the Commission so appointed shall consider all the relevant circumstances, and shall be entitled to inspect all documents and papers relating to the subject matter of the appeal, and to be furnished with all information respecting the same which they may require.

(5) The commission appointed in any diocese under this rule shall have power at any time to extend the time within which a notice of appeal may be given.

ELECTIONS TO THE HOUSE OF LAITY.

19. The members of the House of Laity in the Church Assembly shall be elected every five years by the diocesan electors in the several diocesan conferences, according to the principle of proportional representation as hereinafter provided.

Diocesan Electors.

20. The diocesan electors in each diocese shall be—

(1) the lay representatives for the time being in the diocesan conference ;

(2) the lay ex officio members of the diocesan conference ; and

(3) fifteen or any less number of teachers and students (not being in Holy Orders) selected by the other lay members of the diocesan conference in such manner as may be prescribed by the conference to represent the members of universities, university or training colleges, and school staffs in the diocese who are members of the Church of England. All the teachers or students so selected shall be for all other purposes members of the diocesan conference.

Basis of Representation.

21.—(1) The number of the members of the House of Laity shall from time to time be fixed by the Church Assembly.

(2) The number of the members of the House of Laity to be elected for any diocese at a general election shall be proportionate to the number of persons on the rolls of such diocese as revised in preparation for the annual meetings held in the year immediately preceding the year in which such general election is held.

(3) The Church Assembly may provide by regulation for ascertaining the numbers on the rolls of the several dioceses, and for apportioning to each diocese the number of members to be elected for that diocese.

Electoral Areas.

22.—(1) Subject to any division of a diocese under this rule every diocese shall be an electoral area for the purposes of elections to the House of Laity.

(2) A diocesan conference may, for the purposes of any election, divide a diocese into two or more areas, and apportion the number

of members of the House of Laity to be elected for the diocese among such areas, and the election shall be conducted in each area as if such area were a separate diocese. Where a diocese is so divided, a diocesan elector who is a lay representative shall vote in the area to which the body by which he was elected belongs, and a diocesan elector who is not a lay representative shall vote in such area as the diocesan conference may decide.

Conduct of Elections.

23.—(1) Subject to any directions given by the Church Assembly, an election to the House of Laity shall be held in each diocese at such time between Easter Day and Whit-Sunday as shall be fixed by the bishop of the diocese.

(2) The presiding officer or officers in each diocese shall be appointed by the bishop.

(3) Every candidate must be nominated and seconded by diocesan electors qualified to vote in the area in which the candidate is seeking to be elected. All nominations shall be in writing and shall be sent to the presiding officer of the area, together with evidence of the candidate's consent to serve, on or before a date to be specified by the presiding officer.

(4) If more candidates are nominated for any area than there are seats to be filled, the election shall be conducted by voting papers upon the principle of proportional representation by the method of the single transferable vote, under rules to be made from time to time by the Archbishop of the province.

(5) A full statement of the result of each election shall be furnished to every candidate within the area, and published in such manner as the bishop may approve.

SUPPLEMENTARY.

Casual Vacancies.

24.—(1) Elections to fill up casual vacancies among lay representatives shall be conducted in the same manner as ordinary elections, a special meeting of the electing body being held, if necessary, for the purpose. Such elections shall, where possible, be held at such times as will enable all casual vacancies among lay representatives who are diocesan electors to be filled at the time of every election to the House of Laity, but so that no such election shall be invalid by reason of any casual vacancies not having been so filled up.

(2) Any person elected to fill a casual vacancy shall hold office only for the unexpired portion of the term of office of the lay representative in whose place he is elected.

(3) The resignation of a member of a parochial church council (by reason of its being a corporate body) requires the consent of the council. Members of the House of Laity, the diocesan conference, and the ruri-decanal conference may resign at will.

Special Provisions.

25.—(1) In the carrying out of these rules in any diocese the bishop of such diocese shall have power, which shall be exerciseable from time to time,—

(*a*) to make provision for any matter not herein provided for;

(*b*) to vary or modify any scheme framed or direction given under these rules;

(*c*) to appoint a person to do any act in respect of which there has been any neglect or default on the part of any person or body charged with any duty under these rules;

(*d*) to extend or alter the time for holding any meeting or election or to modify the procedure laid down by these rules in connection therewith;

(*e*) in any case in which there has been no valid election, to direct a fresh election to be held, and to give such directions in connection therewith as he may think necessary; and

(*f*) in any case in which any difficulty arises, to give any directions consistent with these rules which he may consider expedient.

(2) In the case of an omission in any parish to prepare or maintain a roll or to form or maintain a council or to hold the annual meeting, the rural dean upon such omission being brought to his notice shall ascertain and report to the bishop the cause thereof.

APPENDIX I.

Application for Enrolment on Church Electoral Roll.

I (*Full Christian name and surname*) .....
of (*Full postal address*) .....
declare that I have attained the age of eighteen years and reside in the parish of.....and am a member of the Church of England and do not belong to any religious body which is not in communion with the Church of England.

I hereby apply to be entered on the church electoral roll of the parish of.....in the diocese of .....[in which parish I am resident] *or* [in which parish for the period of six months last past I have habitually attended public worship]*

I declare that my name is not on the church electoral roll of any other parish in the said diocese [except that of the parish of.....from which roll I desire my name to be removed].†

Signed.....

Date.....

APPENDIX II.

FORM OF NOTICE OF REVISION OF CHURCH ELECTORAL ROLL.

Diocese of.....

Parish of.....

Notice is hereby given that the church electoral roll of the above parish will be revised by the parochial church council,‡ beginning on day, the.....day of.....19....

After such revision, the roll will forthwith be exhibited on, or near to, the principal door of the church for inspection.

Under the rules for the representation of the Laity the persons entitled to have their names entered upon the roll are lay members of the Church of England of either sex of eighteen years of age and upwards, who—

(*a*) are baptized and declare that they are members of the Church of England and that they do not belong to any religious body which is not in communion with the Church of England; and

(*b*) are resident in the parish, or (whether or not so resident) have habitually attended public worship in the parish during a period of six months prior to enrolment; and

---

* Strike out whichever of these is not applicable.

† These words are applicable only in the case of a transfer from one roll to another, in which case the secretary of the council receiving the application should at once notify the secretary of the council of the parish from the roll of which the applicant desires his name to be removed. (*See* Form No. 2 in Appendix III.)

If the words are not applicable, they should be struck out.

‡ NOTE.—The revision must be completed not less than 15 days or more than 28 days before the annual parochial church meeting.

(c) have signed the form of application for enrolment set out in Appendix I. to the rules for the representation of the laity.

Forms of application for enrolment can be obtained from the undersigned, and should be returned, if possible, in time for the revision.

Any error discovered in the roll should at once be reported to the undersigned.

Dated this *..... day of.....19....

.....

Secretary of the council.

Address.....

APPENDIX III.

Notices to be sent in certain cases.

Form No. 1.

NOTICE OF ENROLMENT OF A NON-RESIDENT.

To the secretary of the.....
parochial church council.

Please note that.....
of .....
has been entered on the church electoral roll of this parish, and that he (or she) is therefore not qualified to be on the roll of your parish.

Signed.....

Secretary of the.....
Parochial church council.

Date.....

Form No. 2.

NOTICE TO CANCEL ENTRY IN ANOTHER PARISH.

To the secretary of the .....
parochial church council.

Please note that.....
of .....
who has applied for enrolment on the church electoral roll of this parish, has signified his (or her) desire that his (or her)

* Not less than 14 days' notice must be given.

name should be removed from the church electoral roll of your parish, and that his (or her) name should be removed accordingly.

Signed .....

Secretary of the.....
parochial church council.

Date.....

Form No. 3.

NOTICE OF REMOVAL TO ANOTHER PARISH.

To the secretary of the.....
parochial church council.

Please note that.....
whose entry on the church electoral roll of this parish has been cancelled, owing to his having become resident in another parish, is believed to be now resident at.....
and may desire to be entered on the church electoral roll of your parish.

Signed .....

Secretary of the.....
parochial church council.

Date.....

APPENDIX IV.

NOTICE OF ANNUAL PAROCHIAL CHURCH MEETING.

Parish of .....

The annual parochial church meeting will be held in.....
.....on.....day the.....
day of.....at.....

For the election of parochial lay representatives as follows :—

*To the diocesan conference.....representatives,

*To the ruri-decanal conference.....representatives,

To the parochial church council .....representatives

*For the election of sidesmen.

For the consideration of—

(*a*) A copy or copies of the roll ;

(*b*) An annual report on the proceedings of the council and on the financial affairs of the parish ;

* Strike out if inapplicable.

(*c*) The audited accounts of the council for the year ending on the 31st of December immediately preceding the meeting;

(*d*) A report upon the fabric, goods and ornaments of the church or churches of the parish;

and other matters of parochial or general church interest.

All persons of either sex whose names are entered upon the church electoral roll of the parish (and such persons only) are entitled to vote at the election of parochial lay representatives.

Parochial lay representatives must be actual lay communicant members of the Church of England of either sex of twenty-one years of age and upwards, but, except in the case of parochial church councils, need not be themselves on the church electoral roll of the parish.

By rule 8 (5) it is provided that the annual meeting shall have power to adjourn, and to determine its own rules of procedure.

Signed.....
**Minister of the parish.*

APPENDIX V.

Conduct of Poll at Elections by the Annual Meeting.

1. The chairman of the annual meeting shall fix a day (not being less than seven nor more than fourteen days from the day of the meeting) and hours, and a place or places, for the taking of the poll; and shall cause a notice of the poll and of the day and hours and place or places thereof, signed by himself, to be forthwith affixed on or near to the principal door of the church and of every other building licensed for divine service in the parish, and the same shall remain so affixed until after the day of the poll. The hours of the poll must not be less than four, which need not be consecutive; but not less than two hours thereof must be before and not less than two hours thereof must be after six of the clock in the afternoon.

2. Votes may be tendered by the voter in person by a voting paper signed by him or her in the form set forth below, or in a substantially similar form, or by voting papers addressed to the person presiding over the election in the parish, and sent by post or otherwise delivered at the place in the parish fixed for the taking of the poll, and received by him at any time between the

* Or "vice-chairman of the parochial church council," or, as the case may be. (*See* rule 6 (3) of the rules for the representation of the laity.)

holding of the meeting and the hour appointed for the close of the poll.

3. After the close of the poll the votes shall be scrutinised and counted in one place by the presiding officer in the presence of such of the candidates for election, or persons deputed to attend on their behalf, as desire to be present.

4. Any voter shall be entitled to ascertain, by inquiry of the presiding officer, within seven days of the declaration of the result, whether his vote has been allowed or not, and a notice that voters are so entitled shall be appended to all notices announcing the result of the election.

FORM OF PAROCHIAL VOTING PAPER IN CASE OF A POLL.

(*A similar form of voting paper may be used at the annual meeting, if desired, in cases where no poll is demanded.*)

I (*Full Christian name and surname*).....

of (*Address*) .....

hereby give to the candidates upon the list overleaf [*or* upon the accompanying numbered voting paper] the votes which I have placed opposite to their names.

Signed.....

Date.....

NOTE.—Each voter has as many votes as there are seats to be filled, but may not give more than three votes to any one candidate.

No. 3.

A MEASURE passed by the National Assembly of the Church of England.

To amend the Ecclesiastical Dilapidations Measure, 1923. [10th May 1929.]

Reports.

1. The following paragraphs shall be substituted for paragraphs (i) to (vi) inclusive of subsection (1) of section eighteen of the Ecclesiastical Dilapidations Measure, 1923 (in this Measure referred to as the "principal Measure"):—

"(i) whether any and, if so, what immediate repairs are needed, specifying the same in detail together with their estimated cost;

(ii) except in respect of dilapidations caused by the deliberate action or gross neglect of an incumbent, within what time not exceeding twelve months such immediate repairs as are needed should be carried out;

(iii) what sum will, in his opinion and upon the assumption that such immediate repairs as are needed will be duly carried out, be required to meet the probable cost of the repairs (in this Measure referred to as "the quinquennial repairs") which will require to be carried out during the five years immediately succeeding the date of his report;

(iv) what sum, if any, in addition to the sums respectively required to meet the cost of such immediate repairs as are needed and the quinquennial repairs respectively, will be required to meet the probable cost of any future repairs (in this Measure referred to as "deferred repairs") for the carrying out of which during a period exceeding five years from the date of his report it is, in his opinion, desirable to provide a fund;

(v) the general character of any deferred repairs to which his report relates, the reasons for their classification as such, and within what time they should be carried out;

(vi) what sum, in his opinion, will be adequate to reinstate each of such buildings in the event of its being destroyed by fire; and, if the Diocesan Dilapidations Board shall so require;

(vii) whether any and, if so, which of such buildings is in his opinion unsuitable to the needs of the benefice, and what sum would, in his opinion, be required to provide a building adequate to the needs of the benefice in the place of any unsuitable building."

Reports and objections during vacancies.

2. In any case where a surveyor has made a report to a Diocesan Dilapidations Board under the provisions of section eighteen of the principal Measure, and at the date on which such report is made and for a period of

three months thereafter the benefice to the buildings of which the report relates is vacant—

(i) the provision of subsection (2) of the said section requiring a copy of such report to be sent to the incumbent of the benefice, and the consequential provisions of subsection (3) of the said section, so far as they relate to such incumbent, shall not have effect;

(ii) an incumbent instituted, collated or licensed to the benefice after the expiration of the said period of three months shall not have any right of objecting to the report under section twenty of the principal Measure; and

(iii) the Board may exercise the power of confirming the report conferred on the Board by section twenty-one of the principal Measure at any time after the expiration of the said period of three months, or so soon as the Board shall have determined upon every objection raised by any person entitled to object to the report, whichever shall last happen.

Order.

3. The following subsections shall be substituted for subsections (2) and (3) of section twenty-one of the principal Measure :—

"(2) The order of the Board so made shall state the estimated cost of the immediate repairs, the time within which such repairs are to be carried out, and the name of any person who under the provisions of this Measure is liable to make any payment to the Central Authority in respect of such repairs or any part thereof, and in the case of a first inspection shall require payment of such estimated cost from any person from whom such payment is due."

"(3) When the buildings of a benefice protected by a certificate under section forty-six or fifty of the Ecclesiastical Dilapidations Act, 1871, shall be inspected on the occasion of a vacancy or of a sequestration, the Board may include as part of the estimated cost of the quinquennial repairs the estimated cost of the immediate repairs, deducting from such estimated cost whatever

34 & 35 Vict. c. 43.

sum (if any) may have been provided by a grant under section forty-one or section forty-four of this Measure, or by a loan by the Central Authority under section thirty-five of this Measure, or by any other contribution towards defraying such cost."

Payment by sequestrator.

4. The provisions of section twenty-two of the principal Measure relating to payments to the Central Authority during sequestration shall not apply in any case where the sequestration has issued upon the avoidance of a benefice.

Ordinary assessments (insurance rate).

5. In any case where a Diocesan Dilapidations Board is of opinion that a capital sum, less than the sum stated in a report made to the Board by a surveyor under section eighteen of the principal Measure to be adequate to reinstate a building in the event of its being destroyed by fire, will be sufficient to provide in the place of the building if so destroyed a building adequate to the needs of the benefice, the Board shall have power in the order confirming the report to determine that the building shall be insured for any sum which is not less than such capital sum and not greater than the sum stated in such report to be adequate to reinstate the building in question, and in any case where the Board has so determined—

(i) the insurance rate provided for by the principal Measure shall in respect of such building be fixed upon the basis of the determination of the Board; and

(ii) the provisions of the principal Measure relating to reinstatement of buildings destroyed by fire shall in respect of such building be construed as referring to the provision of a building adequate to the needs of the benefice.

Payments under an ordinary assessment.

6. The following subsection shall be substituted for subsection (5) of section twenty-five of the principal Measure :—

"(5) When a benefice in respect of which an ordinary or long assessment has been made shall become vacant, the Central Authority shall apportion the next annual payment required to be made by the assessment including any insurance rate which forms part thereof upon the footing that the liability for the same accrues from day to day

during the twelve months (or other period substituted under this Measure for a period of twelve months) ending on the day on which the same is due and that the outgoing incumbent or his estate is liable for such part thereof as shall be apportioned to the period before he vacated his benefice and such part of such annual payment shall be a debt due from such incumbent or his representatives to the Central Authority and recoverable at law."

Variation of ordinary or long assessment.

7. The following subsection shall be substituted for subsection (3) of section twenty-seven of the principal Measure :—

"(3) If it shall appear to the Board that for any of the reasons mentioned in subsection (1) of this section it is necessary or desirable to vary an ordinary or long assessment but that no report from the surveyor is required—

(i) the Board may frame such draft order as the case may require;

(ii) a copy of such draft order shall be sent to any person responsible as aforesaid, and generally the procedure laid down by the foregoing provisions of this section and of sections twenty and twenty-one of this Measure shall be followed with the substitution of the draft order for the surveyor's report; and

(iii) upon such procedure being brought to a conclusion the Board may make an order confirming the draft order either with or without variation as the case may require."

Repair account.

8.—(1) The following section shall be substituted for section twenty-nine of the principal Measure :—

"29. The repair rate paid in respect of a benefice shall be placed by the Central Authority to the credit of an account to be called the 'Repair account of the benefice of ,' and they shall allow interest thereon at such rate and on such terms and conditions as they may from time to time determine, and credit the same to the account."

(2) Moneys standing under the provisions of the principal Measure to the credit of an ordinary repair account shall be transferred to the corresponding repair account, and all references in the principal Measure to an ordinary repair account shall be construed as references to a repair account.

Deferred repair account.

9.—(1) The following section shall be substituted for section thirty of the principal Measure :—

"30. Any sums paid to or lent or granted by the Central Authority in respect of the deferred repairs of the buildings of a benefice shall be placed by the Central Authority to the credit of an account to be called the 'Deferred repair account of the benefice of ,' and they shall allow interest thereon at such rate and on such terms and conditions as they may from time to time determine, and credit the same to the account."

(2) Subject to the provisions of this section moneys standing under the provisions of the principal Measure to the credit of a structural repair account shall be transferred to the corresponding deferred repair account, and references in the principal Measure to a structural repair account shall be construed as references to a deferred repair account.

(3) The Central Authority shall have power, where circumstances so require, to direct that moneys standing to the credit of the deferred repair account of a benefice shall be transferred to the repair account of the same benefice.

Execution of repairs.

10.—(1) Subject to the provisions of this section, in any case where for the purpose of discharging the duty of executing repairs imposed on incumbents by section thirty-one of the principal Measure, an incumbent has entered into any contract for the execution of any repairs and has vacated his benefice before such contract has been fully carried into effect, such outgoing incumbent shall during a period of three months after he has vacated his benefice and during such further period (if any) as the Board may allow be entitled to carry out such repairs and shall have all necessary rights of entry for that purpose.

(2) In any case where an outgoing incumbent exercises the right conferred by the first subsection of this section—

(i) such outgoing incumbent shall, for the purpose of countersigning the certificate of the surveyor under subsection (2) of section thirty-two of the principal Measure, or under section eleven of this Measure, be deemed to be the incumbent of the benefice; and

(ii) the incoming incumbent shall so long as such outgoing incumbent continues to be entitled to carry out such repairs not be responsible for the carrying out of the same.

(3) The foregoing provisions of this section shall have effect subject to any directions of the Board varying the provisions thereof, and also to any agreement between an outgoing and an incoming incumbent notified to and approved by the Board, and in the construction of the said provisions the expression "outgoing incumbent" shall include the personal representatives of a deceased incumbent.

(4) The following subsection shall be substituted for subsection (3) of section thirty-one of the principal Measure :—

"(3) Provided always that this section shall not impose on any sequestrator or any incumbent any obligation to execute any repairs the cost of which exceeds the sums from whatever source derived for the time being standing to the credit of the repair account of the benefice, or, in the case of deferred repairs, the deferred repair account of the benefice, but so that in the case of an incumbent from whom any money is due to the Central Authority and payable to the said accounts or either of them the sums respectively actually standing to the credit of the said accounts or to the credit of the account to which money is due, as the case may be, shall be deemed for the purposes of this proviso to be increased by the amount of the money so due and payable."

(5) The following subsection shall be substituted for subsections (6) and (7) of section thirty-one of the principal Measure :—

"(6) If the incumbent or the sequestrator of a benefice who is required under this Measure to execute repairs shall refuse or neglect to execute them, the Board may serve him with a notice requiring him to execute such repairs forthwith, and if at the expiration of one month from the date of such notice the default shall be continuing, the Board with the consent of the bishop may in its discretion execute such repairs or so much of them as the Board may think fit, and shall have all necessary rights of entry for that purpose, and shall without prejudice to any other remedy be entitled to recover as a debt from the incumbent or sequestrator in default the charges of any architect or surveyor incurred in consequence of the refusal or neglect of the incumbent or sequestrator."

(6) Subsection (5) of section thirty-one of the principal Measure is hereby repealed.

Cost of repairs (payments on account).

11. The Central Authority may from time to time disburse from the repair account or the deferred repair account of a benefice such sums representing payments on account in respect of wages or other items requiring to be immediately provided for as a certificate of the surveyor (who may act on such information as he in the circumstances of the case considers sufficient) countersigned by the incumbent of the benefice or by the sequestrator or by the Board, whichever shall have executed the repairs, may certify to be reasonable and proper and immediately payable.

Disposal of surplus payments.

12.—(1) The power conferred on the Central Authority by paragraph (iii) of subsection (1) of section thirty-three of the principal Measure shall be extended so as to authorise repayments thereunder to any diocesan body and any parochial church council who may have made such contributions as are referred to in that paragraph.

(2) The following paragraph shall be inserted immediately after paragraph (iii) of the said subsection :—

"(iv) it may be applied in repaying to the Central Authority the whole or any part of any grant made under the provisions of section forty-one or section forty-four of this Measure."

Interim repairs.

13.—(1) The powers of ordering repairs required without delay in order to prevent further dilapidations conferred on a Diocesan Dilapidations Board by section thirty-six of the principal Measure may be exercised without a report from the surveyor being obtained in any case where the Board consider such report not necessary.

(2) The period of one year referred to in subsection (3) of section thirty-six of the principal Measure shall be construed to mean any period between the due date of any annual payment under an assessment and the due date of the next annual payment under the same assessment or the next succeeding assessment.

Charging the revenues of a benefice (Application of certain provisions of the Ecclesiastical Dilapidations Act, 1872). 35 & 36 Vict. c. 96.

14. The provisions of sections one and two of the Ecclesiastical Dilapidations Act, 1872, applied by section thirty-eight of the principal Measure to charging assessments made thereunder shall be and be deemed always to have been the provisions of those sections relating to the extending of a term of repayment upon the appointment of a new incumbent and to the changing of the date of the annual payment under a mortgage.

Insurance money if buildings destroyed by fire before payment of insurance rate.

15. The following provisions shall have effect and shall be deemed always to have had effect in respect of the period between the passing of the principal Measure and the date upon which the buildings of a benefice become insured by the Central Authority under the provisions of section thirty-nine of the principal Measure :—

(i) subject to the provisions of the next succeeding paragraph the repeal effected by the principal Measure of the provisions of sections fifty-four, fifty-five and fifty-six of the Ecclesiastical Dilapidations Act, 1871 (which sections relate to the insurance against loss or damage by fire of the

buildings of a benefice) shall not take effect until the expiration of the said period;

(ii) any moneys paid under any insurance effected under the said provisions of the said Act shall be applied by the Central Authority as if they had been received by the Central Authority under section forty of the principal Measure, and the provisions of that section shall apply accordingly; and

(iii) regulations prescribed under subsection (2) of section forty of the principal Measure may provide for the application of any moneys deemed to be a debt due from an incumbent to the Central Authority under subsection (4) of the said section.

Superfluous buildings (extension of powers).

16. The powers conferred on a Diocesan Dilapidations Board by section forty-six of the principal Measure shall be extended so as to enable the Board to make an order under the said section deferring the removal of a superfluous building in any case where the Board are of opinion that for any reason such order ought to be made.

Dangerous trees.

17. Section fifty-one of the principal Measure shall apply to any dangerous trees growing either on the glebe land of a benefice or in the churchyard, but so that—

(i) in subsection (1) the words " and then only for the purpose of being actually applied in repairs to the buildings of the benefice " shall not apply to such trees;

(ii) in any case where after payment of the costs and expenses of the felling of any dangerous trees growing on the glebe and of the sale thereof, if a sale can be effected, there shall be a loss, the Board shall have power to direct that such loss shall be borne by the repair account of the benefice; and

(iii) the previous consent of the Board shall not be required to the felling of any tree which is in so dangerous a condition as to make it necessary that it should be felled forthwith.

Chancels.

18. The following words shall be added at the end of subsection (2) of section fifty-two of the principal Measure :—

"and also to provide a capital sum the income of which will be sufficient to insure the chancel for a sum adequate to reinstate the same in the event of its being destroyed by fire."

Proof of orders, &c., of Diocesan Dilapidations Boards.

19. Evidence of any order or resolution of a Diocesan Dilapidations Board or of any instrument framed by a Board for the purpose of carrying the principal Measure or any amendment thereof into effect, may be given by producing a copy of such order, resolution or instrument purporting to be signed by the secretary of the Board.

Duchy of Cornwall.

20. The Third Schedule to the principal Measure shall have effect as if there were substituted for all words after the "Duke of Cornwall" the words—

"or any person duly authorised to act on his behalf under the Duchy of Cornwall Management Act, 1863, including any persons having authority under section thirty-eight or section thirty-nine of the same statute to act in the name and on behalf of the Duke of Cornwall and any notice may be given to the Keeper of the Records of the Duchy."

Transfer of documents.

21.—(1) In any case where a Diocesan Dilapidations Board has in its possession any deeds or documents relating to a benefice outside its area, including a benefice which has ceased to be in its area, such Board shall deliver up such deeds or documents to the Diocesan Dilapidations Board in whose area such benefice is situate.

(2) If any question shall arise whether any deeds or documents ought to be delivered up under the provisions of this section, such question shall be decided by the Central Authority, whose decision shall be final.

Transitional provisions.

22. The Central Authority may give such directions as in the opinion of the Central Authority may be required with regard to the transition from the provisions of the principal Measure to the same provisions as

amended by this Measure, and shall have power to determine whether any inspection or other proceeding pending at the passing of this Measure shall be concluded in accordance with the provisions of the principal Measure or of the same provisions as amended by this Measure, and generally to decide any question which may arise in connection with the said transition.

Commencement.

23.—(1) This Measure shall come into force on the appointed day.

(2) The appointed day shall be such day, not later than six months after the passing of this Measure, as the Archbishops of Canterbury and York shall by writing under their hands and archiepiscopal seals jointly determine.

(3) The determination of the appointed day under this section shall be notified by advertisement in the London Gazette.

Short title and construction.

24. This Measure may be cited as the Ecclesiastical Dilapidations (Amendment) Measure, 1929, and shall be construed as one with the principal Measure, and the principal Measure and this Measure may be cited together as the Ecclesiastical Dilapidations Measures, 1923 to 1929.

Minor amendments.

25. The amendments set out in the Schedule to this Measure (being amendments which are consequential on the classification of repairs as immediate quinquennial and deferred repairs respectively or relate to matters of minor importance) shall be made in the principal Measure.

SCHEDULE.

Minor Amendments of the Ecclesiastical Dilapidations Measure, 1923.

Provision amended.	Amendment.
Section 18 (3)	There shall be substituted for the word "fourteen" the words "twenty-one."
Section 21 (5) (i)	The words "ordinary or structural" shall be repealed.

Provision amended.	Amendment.
Section 22 (1) -	There shall be substituted for the words "ordinary repairs and immediate structural repairs" the words "the immediate repairs."
Section 26 (1) -	There shall be substituted for the words "as structural repairs under section 18 (1) (i) (*b*) of this Measure" the words "as deferred repairs." The proviso forming the second paragraph of the subsection shall be repealed.
Section 33 (1) -	The words "ordinary repairs or structural" shall be repealed.
Section 35 (1) - Section 36 (2) -	There shall be substituted in each subsection for the words "structural repairs" the words "deferred repairs or repairs which would in the opinion of the Board be classified as deferred repairs in a report made by a surveyor under this Measure."
Section 43 (1) -	There shall be substituted for the words "in respect to any payment required by an assessment" the words "to the Central Authority."
Section 49 (2) -	The words "within one month after the sending of the report" shall be inserted after the word "may."
Section 51 (4) -	The words "and applied and disposed of by the Central Authority as money in their hands so appropriated should by law or under the rules of the Central Authority be applied and disposed of; or" shall be inserted at the end of paragraph (iii). After paragraph (iii) the following paragraph shall be added:— "(iv) applied in improving any buildings belonging to the benefice."

No. 4.

A MEASURE passed by the National Assembly of the Church of England.

To make further provision as to the apportionment of the income of the Dean and Chapter of Westminster. [10th May 1929.]

Power to re-apportion income of Dean and Chapter of Westminster.

1.—(1) Provision may from time to time be made by means of a scheme or schemes under this Measure for re-apportioning the annual income of the Dean and Chapter of Westminster between—

(*a*) the fabric fund;

(*b*) the stipends of the dean and canons; and

(*c*) the maintenance of the services of Westminster Abbey and other expenses of the Dean and Chapter of Westminster.

(2) A scheme under this Measure may repeal or amend the provisions of the Scheme of 1888 or of any previous scheme under this Measure.

(3) The first scheme under this Measure may provide that the re-apportionment of income effected thereby shall have effect as from the first day of January, nineteen hundred and twenty-nine, or from such subsequent date as may be laid down by such scheme.

Rates on dean's and canons' houses. 51 & 52 Vict. c. 11.

2. A scheme under this Measure may provide that notwithstanding the provisions of section seven of the Westminster Abbey Act, 1888, any rates in respect of the official residences of the dean and canons of Westminster may be paid out of the fabric fund.

Suspension of canonry continued.

3. The canonry in Westminster Abbey suspended in pursuance of the provisions of section five of the Westminster Abbey Act, 1888, shall by virtue of this Measure, notwithstanding the repeal of the said section of the said Act by this Measure, remain suspended as if it had been suspended under section eight of the Ecclesiastical Commissioners Act, 1840, and the number of canons of Westminster Abbey which by virtue of section two of the last-mentioned Act and of the Schedule thereto was fixed at six shall henceforth be five.

3 & 4 Vict. c. 113.

Schemes.

4.—(1) Every scheme under this Measure shall be prepared by the Ecclesiastical Commissioners after previous consultation with the Dean and Chapter of Westminster, and shall be submitted to the Visitor of the Abbey for approval, and if the Visitor shall approve the scheme the Ecclesiastical Commissioners shall certify the scheme as so approved to His Majesty in Council, whereupon it shall be lawful for His Majesty in Council to make and issue any Order or Orders for confirming the scheme.

(2) Notice of every scheme under this Measure confirmed by Order in Council shall be published in the London Gazette, and upon the publication of such notice such scheme shall become effectual in law as if contained in this Measure.

Interpretation.

5. In this Measure—

The expressions "Westminster Abbey," "Dean and Chapter of Westminster," "dean of Westminster," and "canons of Westminster," mean respectively the Collegiate Church of Saint Peter Westminster, the Dean and Chapter of, the dean of, and the canons of the said Collegiate Church;

The expression "Scheme of 1888" means the scheme made by the Ecclesiastical Commissioners under the Westminster Abbey Act, 1888, and ratified by an Order in Council of Her late Majesty Queen Victoria made and passed on the seventeenth day of November, eighteen hundred and eighty-eight;

The expression "fabric fund" means the fabric fund established by the Scheme of 1888 pursuant to the Westminster Abbey Act, 1888;

The expression "annual income of the Dean and Chapter of Westminster" means only the money payment payable under the Scheme of 1888, together with any income arising from the investment of any accumulations thereof and any income derived by the Dean and Chapter of Westminster from any building which is not for the time being occupied as an official house.

Short title.

6. This Measure may be cited as the "Westminster Abbey Measure, 1929."

Repeal.

7. The enactments set out in the Schedule to this Measure are hereby repealed to the extent mentioned in the third column of that Schedule as from the date upon which any scheme under this Measure shall become effectual in law.

THE SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
3 & 4 Vict., c. 113.	Ecclesiastical Commissioners Act, 1840.	Section 66, so far as it provides for a limitation of the annual incomes of the dean of Westminster and the canons of Westminster respectively.
51 & 52 Vict., c. 11.	Westminster Abbey Act, 1888.	Subsection (6) of section 3. Section 5.

TABLE III.

Showing the EFFECT of the LEGISLATION of the FIFTH SESSION of the THIRTY-FOURTH PARLIAMENT of the UNITED KINGDOM AND NORTHERN IRELAND.

(NOVEMBER 6, 1928—MAY 10, 1929)

FORMER ACTS (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ENACTMENTS OF 19 & 20 GEO. 5.

Session and Chapter.	Short Title.	How affected.	Chapter of 19 & 20 Geo. 5.
48 Geo. 3 : c. 142 -	Life Annuities Act, 1808.	Ss. 21, 23, 28 repealed -	29, ss. 36, 70, sch. 2, pt. I.
7 Geo. 4 : c. 46 -	Country Bankers Act, 1826.	Excluded - - - -	23, s. 361 (1) (*a*).
c. 67 -	Bankers (Scotland) Act, 1826.	Excluded - - - -	23, s. 361 (1) (*a*).
10 Geo. 4 : c. 24 -	Government Annuities Act, 1829.	Repealed - - - -	29, ss. 36, 70, sch. 2, pt. I.
c. 44 -	Metropolitan Police Act, 1829.	S. 23 adapted - - -	17, s. 132 (2), sch. 10, para. 5.
11 Geo. 4 & 1 Will. 4 : c. 26 -	National Debt Act, 1830.	Ss. 6 and 9, so far as relating to annuities under 10 Geo. 4. c. 24, repealed.	29, ss. 36, 70, sch. 2, pt. I.
2 & 3 Will. 4 : c. 59 -	Government Annuities Act, 1832.	Repealed - - - -	29, ss. 36, 70, sch. 2, pt. I.
3 & 4 Will. 4 : c. 24 -	Government Annuities Act, 1833.	Repealed - - - -	29, ss. 36, 70, sch. 2, pt. I.
c. 41 -	Judicial Committee Act, 1833.	S. 30 repealed with saving -	8, s. 1 (7).

Session and Chapter.	Short Title.	How affected.	Chapter of 19 & 20 Geo. 5.
4 & 5 Will. 4: c. 24 -	Superannuation Act, 1834.	Applied to— diplomatic service - - pensions of dominion governors, &c.	11. 16, ss. 2, 3.
c. 76 -	Poor Law Amendment Act, 1834.	S. 40 repealed (prosp.) -	17, ss. 134, 137, sch. 12, pt. VII.
5 & 6 Will. 4: c. 50 -	Highway Act, 1835	Certain functions transferred to county councils, exemptions under s. 33 saved (prosp.).	17, ss. 30, 38, 134.
c. 69 -	Union and Parish Property Act, 1835.	Act, so far as unrepealed, repealed (prosp.).	17, ss. 134, 137, sch. 12, pt. VII.
6 & 7 Will. 4: c. 85 -	Marriage Act, 1836	S. 3 adapted - - -	17, s. 132 (2), sch. 10, para. 6.
c. 86 -	Births and Deaths Registration Act, 1836.	Ss. 7, 8, 9, 29 repealed in part, 3, 5 amended, 29, 34 restricted, 7, 9 adapted, functions of guardians transferred, Act adapted to London (prosp.).	17, ss. 21, 22 (3) (*c*), 24 (2), 25, 132 (2), 134, 137, sch. 10, paras. 6, 7, 24 (*a*), sch. 12, pt. I.
7 Will. 4 & 1 Vict.: c. 22 -	Births and Deaths Registration Act, 1837.	Ss. 10, 11, 14 repealed in part, 17, 19 repealed, 27 adapted (prosp.).	17, ss. 132 (2), 134, 137, sch. 10, para. 6, sch. 12, pt. I.
c. 84 -	Forgery Act, 1837-	Repealed - - - -	29, ss. 36, 70, sch. 2, pt. I.
1 & 2 Vict.: c. 49 -	Government Annuities Act, 1838.	Repealed - -	29, ss. 36, 66, 70, sch. 2, pts. I and II.
3 & 4 Vict.: c. 113 -	Ecclesiastical Commissioners Act, 1840.	S. 66 in part repealed, sch. amended (prosp.) by Westminster Abbey Measure (19 & 20 Geo. 5, No. 4), ss. 3, 7, sch.	
4 & 5 Vict.: c. 38 -	School Sites Act, 1841.	S. 6 in part repealed (E.) (prosp.).	17, ss. 134, 137, sch. 12, pt. VII.
5 & 6 Vict.: c. 18 -	Parish Property and Parish Debts Act, 1842.	Act, so far as unrepealed, repealed (prosp.).	17, ss. 134, 137, sch. 12, pt. VII.
c. 79 -	Railway Passenger Duty Act, 1842.	Repealed as to railway passenger duty.	21, ss. 3, 6, sch.

Session and Chapter.	Short Title.	How affected.	Chapter of 19 & 20 Geo. 5.
7 & 8 Vict.:			
c. 32 -	Bank Charter Act, 1844.	S. 21 excluded - - -	23, s. 361 (1) (*a*).
c. 101 -	Poor Law Amendment Act, 1844.	Ss. 14–6, 56 (so far as unrepealed), in part 61, repealed (prosp.).	17, ss. 134, 137, sch. 12, pts. I and VII.
		S. 70, as applied to bastardy proceedings, declared to be still operative.	38.
c. 113 -	Act to regulate Joint Stock Banks in England.	S. 47 saved - - -	23, s. 382 (5), sch. 12, pt. II.
8 & 9 Vict.:			
c. 16 -	Companies Clauses Consolidation Act, 1845.	Applied - - - -	23, ss. 234 (6), 385 (2).
c. 17 -	Companies Clauses Consolidation (Scotland) Act, 1845.	Applied - - - -	23, ss. 234 (6), 385 (2).
c. 38 -	Bank Notes (Scotland) Act, 1845.	S. 13 excluded - - -	23, s. 361 (1) (*a*).
c. 83 -	Poor Law (Scotland) Act, 1845.	Ss. 55 in part, 57, and 62 in part, repealed (prosp.).	25, ss. 79, 80 (2), sch. 9.
c. 117 -	Poor Removal Act, 1845.	S. 5 repealed (prosp.) - -	17, ss. 134, 137, sch. 12, pt. I.
9 & 10 Vict.:			
c. 74 -	Baths and Washhouses Act, 1846.	S. 24 in part repealed (prosp.).	17, ss. 134, 137, sch. 12, pt. VII.
10&11 Vict.:			
c. 15 -	Gasworks Clauses Act, 1847.	Ss. 31, 33 amended (E.S.) -	24, ss. 3, 10 (3) and *see* s. 5 (4).
c. 17 -	Waterworks Clauses Act, 1847.	S. 68 applied - - -	17, s. 77 (2).
10&11 Vict.:			
c. 42 -	Railway Passenger Duty Act, 1847.	Repealed - - -	21, ss. 3, 6, sch.
11&12 Vict.:			
c. 118 -	Excise Act, 1848 -	S. 2 repealed - - -	21, ss, 3, 6, sch.
15&16 Vict.:			
c. 56 -	Pharmacy Act, 1852.	S. 2 extended - - -	31.
c. 85 -	Burial Act, 1852 -	S. 29 in part repealed (prosp.).	17, ss. 134, 137, sch. 12, pt. VII.
16&17 Vict.:			
c. 45 -	Government Annuities Act, 1853.	Amended - - - -	27, s. 11.
		Repealed - - - -	29, ss. 66, 70, sch 2, pt. II.
17&18 Vict.:			
c. 91 -	Lands Valuation (Scotland) Act, 1854.	S. 19 repealed, local authorities' functions transferred, Act applied (prosp.).	25, ss. 2 (1) (*b*), 49 (2), 79, 80 (2), schs. 1, pt. I, 9.
c. 112 -	Literary and Scientific Institutions Act, 1854.	S. 6 in part repealed (E.) (prosp.).	17, ss. 134, 137, sch. 12, pt. VII.

Session and Chapter.	Short Title.	How affected.	Chapter of 19 & 20 Geo. 5.
18&19 Vict.:			
c. 29 -	Registration of Births, Deaths and Marriages (Scotland) Act, 1855.	S. 4 repealed (prosp.) - -	25, ss. 79, 80 (2), sch. 9.
c. 68 -	Burial Grounds (Scotland) Act, 1855.	S. 3 repealed (prosp.) -	25, ss. 79, 80 (2), sch. 9.
19&20 Vict.:			
c. 69 -	County and Borough Police Act, 1856.	S. 16 repealed (prosp.) -	17, ss. 134, 137, sch. 12, pt. VI.
c. 93 -	Commissioners of Supply (Scotland) Act, 1856.	Repealed (prosp.) - -	25, ss. 79, 80 (2), sch. 9.
20 Vict.:			
c. 11 -	Commissioners of Supply (Scotland) Act, 1857.	Repealed (prosp.) - -	25, ss. 79, 80 (2), sch. 9.
c. 19 -	Extra - Parochial Places Act, 1857.	Ss. 5, 8 repealed (prosp.) -	17, ss. 134, 137, sch. 12, pt. I.
20&21 Vict.:			
c. 14 -	Joint Stock Banking Companies Act, 1857.	S. 12 saved - - -	23, s. 382 (5), sch. 12, pt. II.
c. 71 -	Lunacy (Scotland) Act, 1857.	Ss. 54-5 repealed (prosp.) -	25, ss. 79, 80 (2), sch. 9.
c. 72 -	Police (Scotland) Act, 1857.	Ss. 58-60 repealed (prosp.)-	25, ss. 3 (3)-(6), 79, 80 (2), sch. 9.
21&22 Vict.:			
c. 25 -	Births and Deaths Registration Act, 1858.	S. 4 repealed (prosp.) - -	17, ss. 25, 134, 137, sch. 12, pt. II.
23&24 Vict.:			
c. 85 -	Registration of Births, Deaths and Marriages (Scotland) Act, 1860.	S. 5 in part repealed (prosp.)	25, ss. 79, 80 (2), sch. 9.
24&25 Vict.:			
c. 14 -	Post Office Savings Bank Act, 1861.	Ss. 9, 11 extended - - -	27, ss. 10 (2), 13.
c. 97 -	Malicious Damage Act, 1861.	In ss. 5, 11, 39 "poor law union" repealed (prosp.)	17, ss. 134, 137, sch. 12, pt. I.
c. 100 -	Offences against the Person Act, 1861.	Ss. 58 extended, 60 applied	34, s. 2 (2)-(4).
25&26 Vict.:			
c. 103 -	Union Assessment Committee Act, 1862.	Ss. 2, 4, 7, 10, 12 so far as unrepealed, and in pt. s. 9, repealed (prosp.).	17, ss. 134, 137, sch. 12, pt. I.

Session and Chapter.	Short Title.	How affected.	Chapter of 19 & 20 Geo. 5.
26&27 Vict.:			
c. 25 -	Savings Bank Investment Act, 1863.	Ss. 5 repealed, 3 extended -	27, ss. 3, 13, 20, sch.
c. 33 -	Revenue Act, 1863	S. 13 repealed - - -	21, ss. 3, 6, sch.
c. 87 -	Trustee Savings Banks Act, 1863.	Ss. 10 (May 21, 1930), and sch. B repealed, ss. 60-1 repealed and substituted, ss. 35, 37-40 and 66 repealed in part, ss. 8, 40, amended, 19 extended.	27, ss. 1, 10 (1), 13, 16 (13), 17, 18 (2), 20, sch.
27&28 Vict.:			
c. 43 -	Government Annuities Act, 1864.	Amended - - - -	27, s. 11.
		Repealed - - - -	29, ss. 66, 70, sch. 2, pt. II.
c. 46 -	Government Annuities (Investments) Act, 1864.	Repealed - - - -	29, ss. 8 (2), 67, 69, 70, sch. 2, pt. III.
29&30 Vict.:			
c. 17 -	Cattlesheds in Burghs (Scotland) Act, 1866.	Local authorities' functions transferred (prosp.).	25, ss. 2 (1) (*b*), 80 (2), sch. 1, pt. I.
30&31 Vict.:			
c. 6 -	Metropolitan Poor Act, 1867.	S. 24 so far as unrepealed, repealed (prosp.).	17, ss. 134, 137, sch. 12, pt. I.
c. 84 -	Vaccination Act, 1867.	S. 11 "of his union or parish" repealed, s. 5 modified, Act adapted to London (prosp.).	17, ss. 85 (4), 132 (2), 134, 137, sch. 3, para. 4, sch. 10, para. 24 (*b*), sch. 12, pt. I.
c. 106 -	Poor Law Amendment Act, 1867.	Ss. 7, 8, 11, and in part 23, repealed (prosp.).	17, ss. 134, 137, sch. 12, pts. I and VII.
31&32 Vict.:			
c. 122 -	Poor Law Amendment Act, 1868.	S. 5 repealed (prosp.) -	17, ss. 134, 137, sch. 12, pt. I.
32&33 Vict.:			
c. 43 -	Diplomatic Salaries, &c., Act, 1869.	Repealed with saving -	11, ss. 1, 2.
c. 63 -	Metropolitan Poor Amendment Act, 1869.	Ss. 8, 24-5 repealed (prosp.)	17, ss. 134, 137, sch. 12, pt. I.
c. 67 -	Valuation (Metropolis) Act, 1869.	Ss. 5, 45 (3) in part, 50 in part, and 59 repealed, Act adapted, s. 47 (11) applied, ss. 28, 50 amended (prosp.).	17, ss. 18 (*f*), 70, 132, 134, 137, sch. 9, pt. II, para. 3, sch. 10, para. 24 (*c*), sch. 12, pts. I and V.
33&34 Vict.:			
c. 46 -	Landlord and Tenant (Ireland) Act, 1870.	Act excluded, s. 8 saved -	14, s. 7 (1) (*e*) (3).
c. 71 -	National Debt Act, 1870.	Ss. 50, 68 in part, and sch. 2, pts. III and IV so far as unrepealed, repealed.	29, ss. 36, 70, sch. 2, pt. I.

Session and Chapter.	Short Title.	How affected.	Chapter of 19 & 20 Geo. 5.
34 & 35 Vict.			
c. 31 -	Trade Union Act, 1871.	S. 5 saved - - -	23, s. 382 (7).
c. 43 -	Ecclesiastical Dilapidations Act, 1871.	As to repeal of ss. 54–6 by 14 & 15 Geo. 5, No. 3, *see* Ecclesiastical Dilapidations Measure (19 & 20 Geo. 5, No. 3) s. 15 (i).	
c. 98 -	Vaccination Act, 1871.	Act adapted, ss. 5, 13 saved	17, s. 132, sch. 10, paras. 24 (*b*), 25.
35&36 Vict.:			
c. 62 -	Education (Scotland) Act, 1872.	Ss. 15–6, 48 in part, and 52, repealed (prosp.).	25, ss. 79, 80 (2), sch. 9.
c. 65 -	Bastardy Laws Amendment Act, 1872.	S. 3 extended - - -	36.
c. 91 -	Borough Funds Act, 1872.	Extended to rural district councils.	17, s. 55.
c. 96 -	Ecclesiastical Dilapidations Act, 1872.	Ss. 1 and 2, as applied, extended by Ecclesiastical Dilapidations Measure (19 & 20 Geo. 5, No. 3) s. 14.	
36&37 Vict.:			
c. 44 -	Government Annuities Act, 1873.	Repealed - - - -	29, ss. 36, 66, 70, sch. 2, pts. I and II.
37&38 Vict.:			
c. 54 -	Rating Act, 1874 -	As respects agricultural land, ss. 3 (1), 4 and 5 repealed (prosp.).	17, ss. 134, 137, sch. 12, pt. V.
c. 88 -	Births and Deaths Registration Act, 1874.	Ss. 6, 22, 33 in part and 34 repealed (prosp.).	17, ss. 26 (4), 134, 137, sch. 12, pts. I and II.
38 & 39Vict.:			
c. 55 -	Public Health Act, 1875.	Ss. 190 and 229 in part, s. 234 (2) (3), and as respects district councils ss. 299–302, repealed, ss. 189, 191 adapted, ss. 131, 233 extended, ss. 175–8 and 308 applied, functions under ss. 146–8, 150, 154, 176 modified, functions under s. 157 saved, s. 200 as to county boroughs varied (prosp.).	17, ss. 9 (*b*), 14 (1) (2) (3), 30 (3) (4), 31 (5), 36 (2), 39 (1), 57 (4), 74 (2), 117 (4), 128 (3) (*b*), 132 (2), 134 137, sch. 1, pts. I and III, sch. 10, paras. 8, 9, sch. 12, pts. I, IV, V. And *see* s. 5 (1) (assistance).
39&40 Vict.:			
c. 36 -	Customs Consolidation Act, 1876.	S. 42 repealed as to tea, s. 98 applied (hops).	21, 4 (3), 5, 6, sch.
c. 59 -	Appellate Jurisdiction Act, 1876.	Ss. 6 and 14 further extended.	8, s. 2.

Session and Chapter.	Short Title.	How affected.	Chapter of 19 & 20 Geo. 5.
39&40 Vict.:			
c. 61 -	Divided Parishes and Poor Law Amendment Act, 1876.	Ss. 21 so far as unrepealed, 39, and proviso to s. 42 repealed, functions of Metropolitan Asylum Board under s. 42 transferred (prosp.).	17, ss. 18 (*e*), 134, 137, sch. 12, pts. I and VII.
c. 62 -	Sale of Exhausted Parish Lands Act, 1876.	Provisions as to sale &c. of land amended.	17, s. 115 (2), sch. 7.
c. 63	Notices to Quit (Ireland) Act, 1876.	Excluded - - - -	14, s. 7 (3).
40&41 Vict.:			
c. 2 -	Treasury Bills Act, 1877.	S. 6 excluded - -	2, s. 2 (2), 10, 22, s. 2 (2), s. 3 (2).
c. 13 -	Customs, Inland Revenue and Savings Bank Act, 1877.	S. 15 amended - - -	27, s. 4 (2).
c. 53 -	Prisons (Scotland) Act, 1877.	Ss. 61 (so far as unrepealed) and 62 repealed (prosp.).	25, ss. 79, 80 (2), sch. 9.
c. 66 -	Local Taxation Returns Act, 1877	S. 3 "guardians" repealed (prosp.).	17, ss. 134, 137, sch. 12, pt. I.
41&42 Vict.:			
c. 51 -	Roads and Bridges (Scotland) Act, 1878.	Ss. 18, 27, 29 repealed (prosp.).	25, ss. 79, 80 (2), sch. 9.
c. 76 -	Telegraph Act, 1878.	S. 7 extended - - -	33, s. 13.
c. 77 -	Highways and Locomotives (Amdt.) Act, 1878.	S. 16 "in pursuance of this Act," and s. 20 repealed, s. 15 extended (prosp.).	17, ss. 37, 132 (2), 134, 137, sch. 10, para. 10, sch. 12, pt. III.
c. 78 -	Education (Scotland) Act, 1878.	Ss. 15–7 repealed (prosp.) -	25, ss. 79, 80 (2), sch. 9.
43&44 Vict.:			
c. 36 -	Savings Banks Act, 1880.	Act, except ss. 5, 6 and 8, repealed.	27, ss. 12 (2) 20, sch.
44&45 Vict.:			
c. 49 -	Land Law (Ireland) Act, 1881.	Ss. 5, 8 (3) excluded - -	14, s. 7 (3).
c. 58 - (asamended)	Army Act - -	Continued, ss. 78 (2), 79 (1), 83 (1), 84 (1), 85 and 145 amended.	20, ss. 4, 5, sch. 2.
45&46 Vict.:			
c. 21 -	Places of Worship Sites Amendment Act, 1882.	S. 1 proviso (*c*) in part repealed (prosp.).	17, ss. 134, 137, sch. 12, pt. VII.
c. 50 -	Municipal Corporations Act, 1882.	S. 236 repealed, s. 112 (1) amended, ss. 25–8, 119 excluded (prosp.).	17, ss. 17, 29 (4), 53 (1), 54, 134, 137, sch. 12, pt. IV.
c. 51 -	Government Annuities Act, 1882.	S. 2 amended - - -	27, s. 11.
		Repealed - - - -	29, ss. 66, 70, sch. 2, pt. II.

Session and Chapter.	Short Title.	How affected.	Chapter of 19 & 20 Geo. 5.
45 & 46 Vict.:			
c. 59 -	Educational Endowments (Scotland) Act, 1882.	Saved - - - -	25, ss. 6 (2), 80 (2).
c. 72 -	Revenue, Friendly Societies and National Debt Act, 1882.	S. 11 and sch. 1 in part repealed (except as to N.I.) (prosp.).	23, ss. 381, 384, 385 (2), sch. 12, pt. I.
46 & 47 Vict.:			
c. 34 -	Cheap Trains Act, 1883.	Ss. 2, 7 repealed - -	21, ss. 3, 6, sch.
c. 47 -	Provident Nominations and Small Intestacies Act, 1883.	S. 3 in part repealed - -	29, ss. 66, 70, sch. 2, pt. II.
47 & 48 Vict.:			
c. 23 -	National Debt (Conversion of Stock) Act, 1884.	S. 5 repealed - - -	27, s. 20, sch.
c. 64 -	Criminal Lunatics Act, 1884.	S. 10 (1) adapted - -	17, s. 132 (2), sch. 10, para. 11.
c. 70 -	Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	S. 36 (1) proviso (*b*) in part, proviso (*e*), and as to guardians, sch. 1 repealed (prosp.).	17, ss. 134, 137, sch. 12, pt. I.
48 & 49 Vict.:			
c. 69 -	Criminal Law Amendment Act, 1885.	S. 5 (1), effect of Age of Marriage Act.—*See*	36.
50 & 51 Vict.:			
c. 13 -	Pensions (Colonial Service) Act, 1887	Ss. 2 and 7 repealed in part.	16, s. 10 (3), sch.
c. 39 -	Lunacy Districts (Scotland) Act, 1887.	S. 1 repealed (prosp.) -	25, ss. 79, 80 (2), sch. 9.
c. 40 -	Savings Banks Act, 1887.	Ss. 1 (2), 5 and 7 repealed -	27, ss. 10 (1), 20, sch.
		S. 9 and in part ss. 8 (2), 12 and 13 repealed.	29, ss. 66, 69, 70, sch. 2, pts. II and III.
c. 42 -	Public Libraries Consolidation (Scotland) Act, 1887.	S. 2 in part repealed, Act amended (prosp.).	25, ss. 41, 79, 80 (2), sch. 9.
c. 70 -	Appellate Jurisdiction Act, 1887.	S. 4 repealed with saving -	8, s. 1 (7).
51 & 52 Vict.:			
c. 2 -	National Debt (Conversion) Act, 1888.	S. 16 repealed - - -	27, s. 20, sch.
c. 11 -	Westminster Abbey Act, 1888.	Ss. 3 (6), 5 repealed (prosp.) by Westminster Abbey Measure (19 & 20 Geo. 5, No. 4), ss. 3, 7, sch.	
c. 15 -	National Debt (Supplemental) Act, 1888.	Ss. 1, 2 repealed - -	29, ss. 36, 70, sch. 2, pt. I.

Session and Chapter.	Short Title.	How affected.	Chapter of 19 & 20 Geo. 5.
51&52 Vict.:			
c. 41 -	Local Government Act, 1888.	Ss. 11 (2)–(6) (8), in part (9), 19 (1) in part, 20 (1) (2), 21-7, 32 as to discontinued grants, 34 (1) in part, 41 (2) in part, 43, 69 (2), 94 repealed, ss. 57, 69 (5) amended, s. 35 (2) excluded, references to s. 11 (2) adapted, ss. 54, 59, 62, 64 (3), 65, 69, 71, 87 (1) applied, pt. I extended, s. 24 (2) (*a*), (*c*) and powers under ss. 54 and 57 saved (prosp.).	17, ss. 9 (*a*), 14 (1), 17, 29 (4), 48, 50 (1), 53 (1), 66, 85 (4), 128 (3) (*a*), 129 (3), 132 (2), 134, 137, sch. 3, paras. 3 and 4, sch. 10, para. 2, sch. 12, pt. III, V, VI. And *see* s. 5 (1) (assistance).
52&53 Vict.:			
c. 11 -	Sale of Horseflesh, &c., Regulation Act, 1889.	Local authorities' functions (Scotland) transferred (prosp.).	25, ss. 2 (1) (*b*), 80 (2), sch. 1, pt. I.
c. 40 -	Welsh Intermediate Education Act, 1889.	S. 9 amended (prosp.) -	17, s. 82.
c. 49 -	Arbitration Act, 1889.	Applied (Bridges Act) -	33, s. 7 (1).
c. 50 -	Local Government (Scotland) Act, 1889.	Ss. 4 (2) in part, 7, 12, 16 (2) (*c*), 17-8, pt. II (ss. 20-4), ss. 27 (1) in part, 37 para. (1), 53, 60 (3) (4), 66, 67 in part, 68 in part, 69, 70, 71 in part, 73 (8), 77-80, 82,83 (6) in part, repealed, ss. 51 amended, 9 (2) extended, 8, 62 paras. (2) and (5), 68 93 applied (prosp.).	25, ss. 5 (5) (7), 8 (2) (*c*) (5) (10), 9 (2) (5), 12 (8) (9), 19 (4) (6), 21 (1), 26 (4), 42, 79, 80 (2), sch. 9.
c. 56 -	Poor Law Act, 1889	Act so far as unrepealed, repealed (prosp).	17, ss. 134, 137, sch. 12, pt. VII.
c. 72 -	Infectious Disease (Notification) Act, 1889.	S. 11 "or as guardian of a union" repealed (prosp.)	17, ss. 134, 137, sch. 12, pt. I.
		Local authorities' functions (Scotland) transferred (prosp.).	25, ss. 2 (1) (*b*), 80 (2), sch. 1, pt. I.
53&54 Vict.:			
c. 5 -	Lunacy Act, 1890 -	Ss. 64 in part, 65 (2) (*a*) "some parish of," 68, 80 (2) in part, 290 with saving, 303 in part repealed, ss. 27 (3), 283 (3) adapted (prosp.).	17, ss. 132 (2), 134, 137, sch. 10, para. 12 and sch. 12, pt. I.
c. 8 -	Customs and Inland Revenue Act, 1890.	S. 7 except as to Scotland repealed (prosp.).	17, ss. 134, 137, sch. 12, pt. VI.
		S. 7 as to Scotland repealed (prosp.).	25, ss. 79, 80 (2), sch. 9.
c. 37 -	Foreign Jurisdiction Act, 1890.	Sch. 1 extended - -	23, ss. 106, 385 (2).
c. 45 -	Police Act, 1890 -	S. 27 repealed (prosp.) -	17, ss. 134, 137, sch. 12, pt. V.
c. 59 -	Public Health Acts Amendment Act, 1890.	Functions under ss. 39, 40, 43 modified (prosp.).	17, ss. 30 (3), 31, 36, 134, sch. 1, pts. II, V.

Session and Chapter.	Short Title.	How affected.	Chapter of 19 & 20 Geo. 5.
53&54 Vict.:			
c. 60 -	Local Taxation (Customs and Excise) Act, 1890.	Repealed except as to Scotland (prosp.). Repealed as to Scotland (prosp.).	17, ss. 134, 137, sch. 12, pt. VI. 25, ss. 79, 80 (2), sch. 9.
54&55 Vict.:			
c. 21 -	Savings Banks Act, 1891.	Ss. 4 (1), 10 (*f*) in part, and 12 in part, repealed, ss. 4 (2), 12 (1) amended.	27, ss. 1 (3), 4 (2), 10 (1), 20, sch.
c. 39 -	Stamp Act, 1891 -	Applied to company's particulars of allotments.	23, s. 42 (2).
c. 57 -	Redemption of Rent (Ireland) Act, 1891.	Extended - - - - -	14, s. 5.
c. 63 -	Highways and Bridges Act, 1891.	S. 4 from "but no such order" repealed (prosp.).	17, ss. 31 (4), 134, 137, sch. 12, pt. III.
c. 65 -	Lunacy Act, 1891 -	Ss. 11 in part and 25 repealed, s. 2 (2) amended, s. 6 substituted (prosp.).	17, ss. 132 (2), 134, 137, sch. 10, para. 13 and sch. 12, pt. I.
c. 76 -	Public Health (London) Act, 1891.	Ss. 55 (4) in part, 57 (1) in part, 80 (2) (3), 81, 86 in part, 87 in part, 104, 108 (1) from "and one-half," 131 repealed, s. 87 amended, authorities saved, functions of Metropolitan Asylum Board transferred (prosp.).	17, ss. 18 (*e*) (*f*), 132 (2), 134, 137, sch. 10, para. 26, sch. 12, pts. I and VI.
55&56 Vict.:			
c. 51 -	Education and Local Taxation Account (Scotland) Act, 1892.	Repealed (prosp.) - -	25, ss. 79, 80 (2), sch. 9.
c. 53 -	Public Libraries Act, 1892.	S. 13 (2) (*b*) in part repealed (prosp.).	17, ss. 134, 137, sch. 12, pt. VII.
c. 55 -	Burgh Police (Scotland) Act, 1892.	S. 81 repealed (prosp.), s. 78 in part excluded.	25, ss. 3 (3), 79, 80 (2), sch. 9.
c. 57 -	Private Street Works Act, 1892.	Functions of surveyor extended (prosp.).	17, ss. 30 (3), 36 (2) (*c*), sch. 1, pt. I.
56&57 Vict.:			
c. 69 -	Savings Banks Act, 1893.	Ss. 4, 5 (1) repealed - -	27, s. 20, sch.
c. 73 -	Local Government Act, 1894.	Ss. 6 (1) (*d*), 12 (1) in part, 16 (2), 24 (2) and in part (4), 25 (1) in part, 25 (4), 29 provisos (*a*) (*c*) (*d*), 36 (6) (9) and in part (10) and (11), 52 (1) repealed, ss. 57-8 applied as modified, s. 8 (1) (*i*), extended, s. 59 (3) restricted, ss. 8 (2) 46 saved, s. 63 made applicable by order functions under s. 25 (2) modified (prosp.).	17, ss. 10 (3), 30 (3), 40-1, 57 (3), 63 (6), 115 (2) (3), 132 (2), 134, 137, sch. 1, pt. I, sch. 10, para. 14, sch. 12, pts. I, III, IV, V and VII.

Session and Chapter.	Short Title.	How affected.	Chapter of 19 & 20 Geo. 5.
57&58 Vict.: c. 12 -	Indian Railways Act, 1894.	Saved - - - -	23, s. 54 (1) (*h*).
c. 30 -	Finance Act, 1894 -	S. 19 except as to Scotland repealed (prosp.).	17, ss. 134, 137, sch. 12, pt. VI.
		S. 19 as to Scotland repealed (prosp.).	25 ss. 79, 80 (2), sch. 9.
c. 53 -	London (Equalisation of Rates) Act, 1894.	Repealed (prosp.) - -	17, ss. 98, 134, 137, sch. 12, pt. VI.
c. 57 -	Diseases of Animals Act, 1894.	As respects Great Britain, ss. 18 (1) in part, 18 (2), sch. 2, paras. 3-6 repealed (prosp.).	17, ss. 85 (4), 134, 137, sch. 3, para. 1, sch. 12, pt. VI.
		Local authorities' functions (Scotland) transferred (prosp.).	25, ss. 2 (1) (*b*) (2), 80 (2), sch. 1, pts. I and II.
c. 58 -	Local Government (Scotland) Act, 1894.	Ss. 30 (6) in part, 32, 36, 38 (1) repealed, 27 (1) amended, parish councils' functions under pt. IV and in part pt. V transferred, Act applied (prosp.).	25, ss. 1 (1) (2) (*a*) (*b*), 18 (6), 25 (4), 26 (3) (5) (6), 79, 80 (2), sch. 9.
58&59 Vict.: c. 32 -	Local Government (Stock Transfer) Act, 1895.	Applied - - - -	17, s. 132 (1), sch. 9, pt. I, para. 1 (*c*).
59&60 Vict.: c. 16 -	Agricultural Rates Act, 1896.	Repealed (prosp.) - -	17, ss. 134, 137, sch. 12, pt. VI.
c. 25 -	Friendly Societies Act, 1896.	S. 63 excluded (registered friendly societies), ss. 63-6 excluded (repayment of premiums), s. 84 (offences) extended (but not as to N. I.).	28, ss. 1 (3), 2, 3 (1) (4), 5.
c. 37 -	Agricultural Rates Congested Districts and Burgh Land Tax Relief (Scotland) Act, 1896.	Repealed (prosp.) - -	25, ss. 79, 80 (2), sch. 9.
c. 45 -	Stannaries Jurisdiction (Abolition) Act, 1896.	Saved - - - -	23, ss. 163 (5), 385 (2).
c. 48 -	Light Railways Act, 1896.	S. 12 (2) proviso repealed -	21, ss. 3, 6, sch.
c. 50 -	Poor Law Officers' Superannuation Act, 1896.	Act (save as continuing under Loc. Govt. Act, 1929, to apply to transferred officers and save as applying to officers under some other enactment), except s. 15, repealed (prosp.).	17, ss. 122, 124–5, 134, 137, sch. 12, pt. I.

Session and Chapter.	Short Title.	How affected.	Chapter of 19 & 20 Geo. 5.
60&61 Vict.:			
c. 28 -	Poor Law Officers' Superannuation Act Amdt. Act, 1897.	Repealed (prosp.) - -	17, ss. 134, 137, sch. 12, pt. I.
c. 38 -	Public Health (Scotland) Act, 1897.	S. 137 in part, 138 as to small burghs, repealed, ss. 183–7 applied (prosp.).	25, ss. 18 (4), 26 (8), 79, 80 (2), sch. 9.
c. 49 -	Parish Councils Casual Vacancies (Scotland) Act, 1897.	Repealed (prosp.) - -	25, ss. 79, 80 (2), sch. 9.
c. 53 -	Congested Districts (Scotland) Act, 1897.	S. 3 para. (1) repealed (prosp.).	25, ss. 79, 80 (2), sch. 9.
61&62 Vict.:			
c. 36 -	Criminal Evidence Act, 1898.	S. 4 and sch. extended -	34, s. 2 (5).
c. 46 -	Revenue Act, 1898	S. 18 repealed - - -	29, ss. 36, 70, sch. 2, pt. I.
c. 54 -	Public Works Loans Act, 1898.	S. 3 repealed (E.) (prosp.) -	17, ss. 134, 137, sch. 12, pt. I.
c. 56 -	Local Taxation Account (Scotland) Act, 1898.	Repealed (prosp.) - -	25, ss. 79, 80 (2), sch. 9.
62&63 Vict.:			
c. 14 -	London Government Act, 1899.	Ss. 11 (2) in part 11 (3) (*f*) in part and 13 repealed (prosp.).	17, ss. 134, 137, sch. 12, pts. I and VI.
c. 17 -	Tithe Rentcharge (Rates) Act, 1899.	Repealed (prosp.) - -	17, ss. 134, 137, sch. 12, pt. VI.
c. 44 -	Small Dwellings Acquisition Act, 1899.	S. 9 (6) repealed (E.)(prosp.)	17, ss. 134, 137, sch. 12, pt. V.
63 & 64 Vict.			
c. 49 -	Town Councils (Scotland) Act, 1900.	Ss. 94–5, 96 in part, repealed, ss. 11, 17, 19, &c., amended, 13 (3)–(5) extended (prosp.).	25, ss. 12 (8) (9), 36, 79, 80 (2), sch. 9.
1 Edw. 7 :			
c. 22 -	Factory and Workshop Act, 1901.	Local authorities' functions (Scotland) under s. 110 transferred (prosp.).	25, ss. 2 (1) (*b*), 80 (2), sch. 1, pt. I.
		S. 95 amended, ss. 90–2, 94 and sch. 4 as to cotton cloth factories repealed (except as to N. I.).	15, ss. 1 (2), 3 (4) (5).
c. 26 -	Births and Deaths Registration Act, 1901.	Repealed (prosp.) - -	17, ss. 134, 137, sch. 12, pt. I.
2 Edw. 7. :			
c. 8 -	Cremation Act, 1902.	Local authorities' functions (Scotland) transferred (prosp.).	25, ss. 1 (1), 2 (1) (*e*), 80 (2).
c. 17 -	Midwives Act, 1902	S. 8, how far extended to district councils, *see*	17, s. 62.

Session and Chapter.	Short Title.	How affected.	Chapter of 19 & 20 Geo. 5.
3 Edw. 7 :			
c. 14 -	Borough Funds Act, 1903.	Extended, s. 1 restricted (prosp.).	17, ss. 55, 134.
c. 25 -	Licensing (Scotland) Act, 1903.	Functions under s. 79 transferred (prosp.).	25, ss. 1 (2) (*d*), 80 (2).
c. 33 -	Burgh Police (Scotland) Act, 1903.	S. 59 amended, local authorities' functions under s. 54 (ice cream) transferred (prosp.).	25, ss. 2 (1) (*b*), 26 (9), 80 (2), sch. 1, pt. I.
c. 34 -	Town Councils (Scotland) Act, 1903.	S. 7 in part repealed (prosp.).	25, ss. 10 (4) (8), 79, 80 (2) sch. 9.
c. 46 -	Revenue Act, 1903	Ss. 15 and in part 16, repealed.	29, ss. 36, 66, 70, sch. 2, pts. I and II.
4 Edw. 7 :			
c. 8 -	Savings Banks Act, 1904.	S. 3 and (prosp.) in part s. 4 repealed, ss. 4, 6 (1) amended.	27, ss. 6 (2) 8 (1), 16 (14), 20, sch.
5 Edw. 7 :			
c. 18 -	Unemployed Workmen Act, 1905.	Repealed (E.) (prosp.) -	17, ss. 12, 134, 137, sch. 12, pt I.
		Repealed as to Scotland (prosp.).	25, ss. 39, 79, 80 (2), sch. 9.
7 Edw. 7 :			
c. 13 -	Finance Act, 1907 -	S. 17 and sch. 2 repealed except as to Scotland (prosp.).	17, ss. 134, 137, sch. 12, pt. VI.
		S. 17, sch. 2 repealed as to Scotland (prosp.).	25, ss. 79, 80 (2), sch. 9.
c. 40 -	Notification of Births Act, 1907.	Power to adapt Act extended.	17, s 61.
c. 53 -	Public Health Acts Amendment Act, 1907.	Functions under ss. 18–20, 29, 47 modified, s. 95 applied (prosp.).	17, ss. 30 (3), 31, 36, 53 (2), 134, sch. 1, pts. I, II, III and V.
8 Edw. 7 :			
c. 16 -	Finance Act, 1908 -	S. 6 (3) repealed (prosp.) -	17, ss. 134, 137, sch. 12, pt. VI.
c. 36 -	Small Holdings and Allotments Act, 1908.	Ss. 52 (1) proviso, 53 (4) (*b*) in part, repealed (prosp.).	17, ss. 134, 137, sch. 12, pt. V
c. 40 -	Old Age Pensions Act, 1908.	S. 3 (1) (*a*) (as substituted by 9 & 10 Geo. 5, c. 102, s. 3 (1)) amended (prosp.).	(E.), 17, s. 11. (S.) c. 25, ss. 30, 80 (2).
c. 48 -	Post Office Act, 1908.	Functions under s. 49 transferred (Scotland) (prosp.).	25, ss. 1 (2) (*e*), 80 (2).
c. 52 -	Post Office Savings Bank (Public Trustee) Act, 1908.	Act repealed - - -	27, s. 20, sch.
c. 63 -	Education (Scotland) Act, 1908. -	S. 3 (7) in part, 15 in part, 23 (1) (2) (6), 25 repealed (prosp,).	25, ss. 17 (3), 79, 80 (2), sch. 9.
c. 67 -	Children Act, 1908-	S. 108 (12) repealed, functions under pt. I transferred (E.) (prosp.).	17, ss. 2 (*a*), 134, 137, sch. 12, pt. I.
c. 69 -	Companies (Consolidation) Act, 1908.	Repealed (save as to N.I. as stated) (prosp.).	23, ss. 381, 384, 385 (2), sch. 12, pt. I.

Session and Chapter.	Short Title.	How affected.	Chapter of 19 & 20 Geo. 5.
9 Edw. 7 :			
c. 10 -	Superannuation Act, 1909.	Applied to diplomatic service.	11.
c. 44 -	Housing, Town Planning, &c. Act, 1909.	S. 71 varied (prosp.) - -	17, ss. 14 (3), 134.
10 Edw. 7 & 1 Geo. 5 :			
c. 8 -	Finance (1909–10) Act, 1910.	Ss. 47 (2), and, except as to Scotland, 88 (1), repealed (prosp.).	17, ss. 134, 137, sch. 12, pt. VI.
		S. 88 (1) as to Scotland repealed (prosp.).	25, ss. 79, 80 (2), sch. 9.
1 & 2 Geo. 5 :			
c. 2 -	Revenue Act, 1911 -	S. 17, except as to Scotland, repealed (prosp.).	17, ss. 134, 137, sch. 12, pt. VI.
		S. 17 as to Scotland and s. 18 (2) repealed (prosp.).	25, ss. 79, 80 (2), sch. 9.
c. 6 -	Perjury Act, 1911 -	Saved - - - -	23, s. 362.
c. 21 -	Factory and Workshop (Cotton Cloth Factories) Act, 1911.	Repealed with saving (except as to N.I.).	15, s. 3 (4) (5).
c. 24 -	Pensions (Governors of Dominions, &c.) Act, 1911.	Ss. 5 (2) in part and 12 (2) (*a*) repealed, 2 (2) and 4 amended, 6 substituted, 5 (2) and 12 (1) explained.	16, ss. 1, 5–7, 8 (3), 10 (3), sch.
c. 49 -	Small Landholders (Scotland) Act, 1911.	S. 5 para (*a*) repealed (prosp.).	25, ss. 79, 80 (2), sch. 9.
c. 53 -	House Letting and Rating (Scotland) Act, 1911.	S. 7, para. 6 amended (prosp.).	25, ss. 20, 80 (2).
c. 55 -	National Insurance Act, 1911.	S. 64 (3).—*See*	25, ss. 11 (8), 80 (2).
2 & 3 Geo. 5 :			
c. 4 -	Metropolitan Police Act, 1912.	Act, so far as unrepealed, repealed (prosp.).	17, ss. 134, 137, sch. 12, pt. VI.
c. 26 -	Pensions (Governors of Dominions, &c.) (Amendment) Act, 1913.	Repealed - - - -	16, s. 10 (3), sch.
3 & 4 Geo. 5 :			
c. 16 -	Foreign Jurisdiction Act, 1913.	Sch. from " 8 Edw. 7 " repealed (prosp.).	23, ss. 381, 384, 385 (2), sch. 12, pt. I. *See* s. 106.
c. 19 -	Local Government (Adjustments) Act, 1913.	S. 1 (1) amended, sch., pt. I substituted (prosp.).	17, ss. 108 (2), 117 (4), 134.
c. 20 -	Bankruptcy (Scotland) Act, 1913.	Ss. 45–62, 96, 105, 108–113, 116, 153 applied.	23, ss. 263, 270 (1) (*c*), 286, 385 (2).
c. 21 -	Appellate Jurisdiction Act, 1913.	S. 1 extended - - -	8, s. 2.
c. 25 -	Companies Act, 1913.	Repealed (prosp.) (save as to N.I.).	23, ss. 381, 384, 385 (2), sch. 12, pt. I.

Session and Chapter.	Short Title.	How affected.	Chapter of 19 & 20 Geo. 5.
3 & 4 Geo. 5 :			
c. 28 -	Mental Deficiency Act, 1913.	S. 30 proviso (i) and in part (ii), 33 (3), 47–8 repealed (prosp.).	17, ss. 14 (4), 134, 137, sch. 12, pts. I, V and VI. And *see* ss. 5 (1) (assistance)and 14 (5) (committees).
c. 37 -	National Insurance Act, 1913.	S. 42 (2).—*See*	17, ss. 102 (3), 128 (2), 134, sch. 4, pt. II, para. 5.
		S. 41 (4) repealed (prosp.) -	25, ss. 11 (8), 79, 80 (2), sch. 9.
c. 38 -	Mental Deficiency and Lunacy (Scotland) Act, 1913.	Ss. 22, 26 in part, 27 as to parish councils, 37–8, 64 except (4), 65, 67 repealed (prosp.).	25, ss. 79, 80 (2), sch. 9. *See* also s. 18 (3) (expenses).
4 & 5 Geo. 5 :			
c. 39 -	County, Town and Parish Councils (Qualification) (S.) Act, 1914.	S. 1 repealed in part (prosp.).	25, ss. 9 (2), 80 (2).
c. 46 -	Milk and Dairies (Scotland) Act, 1914.	Local authorities' functions transferred (prosp.).	25, ss. 2 (1) (*b*), 80 (2), sch. 1, pt. I.
		Applied to artificial cream (*see* terms).	32, s. 7 (*a*).
c. 91 -	Welsh Church Act, 1914.	*See* - - - -	17, s. 85 (4), sch. 3, para. 2.
5 & 6 Geo. 5 :			
c. 62 -	Finance Act, 1915 -	S. 25 (2) repealed - -	29, ss. 36, 70, sch. 2, pt. I.
c. 66 -	Milk and Dairies (Consolidation) Act, 1915.	Applied to artificial cream (*see* terms).	32, s. 3.
c. 74 -	Police Magistrates (Superannuation) Act, 1915.	As to Chatham and Sheerness, vacancy, *see*	30.
		S. 1 (7) in part repealed, 1 (1) (*c*) substituted, 1 (3) (5) amended.	37.
c. 91 -	Midwives (Scotland) Act, 1915.	Local authorities' functions transferred (prosp.).	25, ss. 2 (1) (*b*), 80 (2), sch. 1, pt. I.
c. 93 -	War Loan (Supplemental Provisions) Act, 1915.	S. 1 amended and extended, Act (as amended) extended to Isle of Man.	27, s. 12 (1) (3) (6).
6 & 7 Geo. 5 :			
c. 12 -	Local Government (Emergency Provisions) Act, 1916.	Ss. 7, 9, 13 (3) repealed (E.) (prosp.).	17, ss. 134, 137, sch. 12, pts. I and VI.
		S. 22 para. (3) repealed, local authorities' functions in Scotland under s. 5, para. (*b*) transferred (prosp.).	25, ss. 2 (1) (*b*), 79, 80 (2), schs. 1, pt. I, 9.
c. 31 -	Police, Factories, &c.(Miscellaneous Provisions) Act, 1916.	S. 4 repealed (prosp.) - -	17, ss. 134, 137, sch. 12, pt. VI.
c. 55 -	Local Government (Emergency Provisions) (No. 2) Act, 1916.	Repealed (E.) (prosp.) -	17, ss. 134, 137, sch. 12, pt. VI.

Session and Chapter.	Short Title.	How affected.	Chapter of 19 & 20 Geo. 5.
7 & 8 Geo. 5 :			
c. 21 -	Venereal Disease Act, 1917.	Local authorities' functions (Scotland) transferred (prosp.).	25, ss. 2 (1) (*b*), 80 (2), sch. 1, pt. I.
c. 28 -	Companies (Particulars as to Directors) Act, 1917.	Repealed (prosp.) (save as to N.I.).	23, ss. 381, 384, 385 (2), sch. 12 : and *see* ss. 344 (3), 345.
c. 64 -	Representation of the People Act, 1918.	S. 41 (9) substituted as to England (prosp.).	17, ss. 80, 134.
		S. 43 (8) amended (prosp.) -	25, ss. 3 (7), 80 (2).
—	Air Force Act -	Continued, ss. 78 (2), 79 (1), 84 (1) and 145 amended.	20, ss. 4–6, sch. 2.
8 & 9 Geo. 5 :			
c. 4 -	Trustee Savings Banks Act, 1918.	Ss. 3 (2) repealed, 1 (2) (*d*) excluded.	27, ss. 6 (1), 20, sch.
c. 25 -	War Loan Act, 1918.	S. 2 amended - - -	27, s. 12 (1).
c. 29 -	Maternity and Child Welfare Act, 1918.	Functions of authorities (England) transferred, &c. (prosp.) *see*	17, ss. 2 (*a*), 59, 60, 62, 134 : *see* also ss. 5 (1) (3), 93, 101.
		Local authorities' functions (Scotland) transferred (prosp.).	25, ss. 2 (1) (*b*), 80 (2), sch. 1, pt. I.
c. 39 -	Education Act, 1918.	S. 42 (1) (*a*) amended (prosp.).	17, ss. 82 (2), 134.
c. 48 -	Education (Scotland) Act, 1918.	Ss. 1, 2, 5 proviso, 12, 13 (4), 22–3, 31 para. (5), sch. 1, sch. 2 except para. 12, repealed, s. 24 (1) applied (prosp.).	25, ss. 12 (3) (*c*), 18 (5), 79, 80 (2), sch. 9 : *see* also s. 12 (3) (*b*), (4) (*b*), (7) (iii), 31.
9 & 10 Geo. 5 :			
c. 20 -	Scottish Board of Health Act, 1919.	Sch. 1 applied to transfer of local authorities' functions.	25, ss. 5, 80 (2).
c. 46 -	Police Act, 1919 -	Ss. 8 repealed, 7 amended (prosp.).	17, ss. 132 (2) 134, 137, sch. 10, para. 5, sch. 12, pt. VI.
c. 50 -	Ministry of Transport Act, 1919.	S. 20 extended (prosp.) -	17, ss. 129 (2), 134.
		Ss. 3 (1) (*d*), 20 and sch. 2 applied.	33, ss. 3 (2) (*f*), 9 (1), 10 (3).
c. 72 -	Rats and Mice (Destruction) Act, 1919.	Local authorities' functions (Scotland) transferred (prosp.).	25, ss. 2 (1) (*b*), 80 (2), sch. 1, pt. I.
c. 76 -	Church of England Assembly (Powers) Act, 1919.	Meaning of "Constitution" extended by Representation of the Laity Measure (19 & 20 Geo. 5, No. 2) s. 3 (1).	
c. 92 -	Aliens' Restriction (Amendment) Act, 1919.	S. 1 continued to Dec. 31, 1929.	3, s. 1 (1), sch., pt. I.
c. 93 -	Public Libraries Act, 1919.	S. 1 (3) proviso in part repealed (prosp.).	17, ss. 134, 137, sch. 12, pt. V.
c. 100 -	Electricity (Supply) Act, 1919.	S. 16 amended (E.S.) - -	4.
c. 102 -	Old Age Pensions Act, 1919.	S. 3 (1) amended (prosp.) -	(E.) 17, s. 11. (S.) 25, s. 30.

Session and Chapter.	Short Title.	How affected.	Chapter of 19 & 20 Geo. 5.
10 & 11 Geo. 5 :			
c. 12 -	Savings Banks Act, 1920.	Ss. 1 (1) (2) (*c*), and 8 repealed in part, s. 1 (1) proviso amended.	27, ss. 10 (4), 20, sch.
c. 17 -	Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.	Continued to Dec. 25, 1929, for E. and May 28, 1930, for S.	3, s. 1 (4), sch., pt. IV.
c. 28 -	Gas Regulation Act, 1920.	Ss. 1 (3) (7), 4 (3) (*b*), 6 (2), 9 (1), 18 amended, ss. 1 (4), 2, 5–7 and 9 applied, 10 extended (save as to N.I.).	24, ss. 6 (2) (3), 7, 8, 10 (3), sch.
c. 30 -	Unemployment Insurance Act, 1920.	S. 26 (1)–(3) repealed (prosp.).—(save as to N.I.).	23, ss. 381, 384, 385 (2), sch. 12, pt. I. *See* s. 264 (1).
c. 49 -	Blind Persons Act, 1920.	S. 2 (3) from " and money " repealed (prosp.).	17, ss. 134, 137, sch. 12, pt. V. And *see* s. 5 (1) (assistance).
		Local authorities' functions (Scotland) transferred (prosp.).	25, ss. 2 (1) (*b*), 80 (2), sch. 1, pt. I.
c. 72 -	Roads Act, 1920 -	S. 2 (2) and in part (3) repealed, s. 2 (3) (temp.) amended, as to E.(prosp.).	17, ss. 87 (2), 134, 137, sch. 12, pt. VI.
		S. 2 (2) and in part (3) repealed as to Scotland (prosp.).	25, ss. 54 (2), 79, 80 (2), sch. 9.
11 & 12 Geo. 5 :			
c. 1 -	Unemployment Insurance Act, 1921	S. 5 (1), limit on outstanding advances, amended.	1.
c. 12 -	Public Health (Tuberculosis) Act, 1921.	S. 1 (2) in part repealed, power to prescribe officers' qualifications (prosp.).	17, ss. 59, 134, 137, sch. 12, pt. VI. And *see* s. 5 (1) (assistance).
c. 15 -	Unemployment Insurance Act (No. 2) Act, 1921.	S. 4, increased limit on outstanding advances, superseded.	1.
c. 23 -	Public Health (Officers) Act, 1921.	Ss. 6 and in part 1 and 2 repealed (prosp.).	17, ss. 134, 137, sch. 12, pt. VI.
c. 26 -	Overseas Trade (Credits and Insurance) Amendment Act, 1921.	Period of operation of guarantee extended.	12.
c. 31 -	Police Pensions Act, 1921.	S. 22 (3) (5) and in part (4) repealed as to E. (prosp.).	17, ss. 134, 137, sch. 12, pt. VI.
		S. 22 (3) repealed as to Scotland (prosp.).	25, ss. 79, 80 (2), sch. 9.
c. 32 -	Finance Act, 1921 -	S. 62 repealed as to E. (prosp.).	17, ss. 134, 137, sch. 12, pt. VI.
		S. 6 (1) (*a*) (3) repealed -	21, ss. 3, 6, sch.
		Sch. 3 para. 1 in part repealed, new proviso (*a*) substituted.	27, ss. 12 (4), 20, sch.

Session and Chapter.	Short Title.	How affected.	Chapter of 19 & 20 Geo. 5.
11 & 12 Geo. 5. :			
c. 51 -	Education Act, 1921.	Ss. 70 (1) in part, 132 (2) repealed, s. 122 (2) substituted (prosp.).	17, ss. 132 (2), 134, 137, sch. 10 para. 15, sch. 12, pts. V, VI. And *see* s. 5 (1) (assistance).
c. 58 -	Trusts (Scotland) Act, 1921.	S. 10 (investments) extended.	13, s. 3.
c. 64 -	Poor Law Emergency Provisions (Scotland) Act, 1921.	Loans under s. 2—*see* -	25, s. 24.
c. 67 -	Local Authorities (Financial Provisions) Act, 1921.	Ss. 1, 2 (2), 3 (4) repealed, liability under s. 3 relieved, s. 6 (2) superseded, (E.) (prosp.).	17, ss. 74 (2), 114, 134, 137, sch. 12, pt. I.
12 & 13 Geo. 5 :			
c. 7 -	Unemployment Insurance Act, 1922.	S. 7 superseded - -	1.
c. 11 -	Juries Act, 1922 -	S. 1 (2) (5) extended (prosp.)	17, s. 79 (2).
c. 14 -	Audit (Local Authorities, &c.) Act, 1922.	S. 1 (2) repealed (prosp.) -	17, ss. 134, 137, sch. 12, pt. I.
c. 18 -	Infanticide Act, 1922.	Power to convict of child destruction on charge under—*see* .	34, s. 2 (2).
c. 51 -	Allotments Act, 1922.	S. 10 excluded (prosp.) -	17, s. 132 (2), sch. 10, para. 16.
c. 54 -	Milk and Dairies (Amendment) Act, 1922.	Local authorities' functions (Scotland) transferred (prosp.).	25, ss. 2 (1) (*b*), 80 (2), sch. 1, pt. I.
c. 59 -	Local Government and other Officers' Superannuation Act, 1922.	S. 27 repealed, Act applied as modified (E.) (prosp.).	17, ss. 124, 125, 134, 137, sch. 12, pt. I.
		As to Scotland, *see* -	25, s. 7 (1) (*h*), &c.
13 & 14 Geo. 5 :			
c. 6 -	Local Authorities (Emergency Provisions) Act, 1923.	S. 1 repealed (prosp.) -	17, ss. 74 (2), 134, 137, sch. 12, pt. I; and *see* s. 132 (1), sch. 9, pt. I, para. 8.
c. 8 -	Industrial Assurance Act, 1923.	S. 4 (2) applied (registered friendly societies) and excluded (repayment of premiums), s. 39 (offences) and sch. 4 (last 4 rules) extended (but not as to N.I.).	28, ss. 1 (3), 2, 3 (1) (4) (5), 5.

Session and Chapter.	Short Title.	How affected.	Chapter of 19 & 20 Geo. 5.
13 & 14 Geo. 5 :			
c. 9 -	Agricultural Holdings Act, 1923.	S. 12 (5) (*b*) : *see* -	17, s. 132 (2), sch. 10, para. 17.
c. 10 -	Agricultural Holdings (Scotland) Act, 1923.	S. 12 (6) extended (prosp.) -	25, ss. 47 (2), 80 (2), and *see* s. 48.
c. 16 -	Salmon and Freshwater Fisheries Act, 1923.	S. 32 (1A) and (1B) added -	32.
c. 38 -	Education (Institution Children) Act, 1923.	Ss. 1, 2 : *see* - -	17, s. 132 (2), sch. 10, para. 18.
c. 39 -	Agricultural Rates Act, 1923.	Repealed as to E. (prosp.) -	17, ss. 134, 137, sch. 12, pt. VI.
		Act (so far as unrepealed) repealed as to Scotland (prosp.).	25, ss. 79, 80 (2), sch. 9.
14 & 15 Geo. 5 :			
c. 3 -	Diseases of Animals Act, 1924.	Repealed as to Great Britain (prosp.).	17, ss. 134, 137, 138 (2), sch. 12, pt. VI.
c. 14 -	West Indian Islands (Telegraph) Act, 1924.	Ss. 1, 3–5 (March 31, 1928) and whole Act (prosp.) repealed.	7, ss. 2 (*c*), 3.
c. 21 -	Finance Act, 1924 -	S. 39 repealed - - -	29, ss. 66, 70, sch. 2, pt. II.
c. 34 -	London Traffic Act, 1924.	Continued to December 31, 1931.	3, s. 1 (2), sch., pt. II.
c. 38 -	National Health Insurance Act, 1924.	S. 107 (6) as to E. (prosp.)-	17 ss. 134, 137, sch. 12, pt. VI.
		S. 106 repealed (prosp.) -	23, ss. 381, 385 (2), sch. 12, pt. I : *see* s. 264 (1).
		S. 107 (6) as to Scotland and s. 116 (2) (*a*) repealed (prosp.).	25, ss. 79, 80 (2), sch. 9.
15 & 16 Geo. 5 :			
c. 10 -	Agricultural Rates (Additional Grant) Continuance Act, 1925.	Act repealed except as to Scotland (prosp.).	17, ss. 134, 137, sch. 12, pt. VI.
		Act repealed as to Scotland (prosp.).	25, ss. 79, 80 (2), sch. 9.
c. 16 -	Town Planning Act, 1925.	Ss. 3 am., 2 (joint action) extended, functions made transferable (prosp.).	17, ss. 40–5, 134.

Session and Chapter.	Short Title.	How affected.	Chapter of 19 & 20 Geo. 5.
15 & 16 Geo. 5 :			
c. 17 -	Town Planning (Scotland) Act, 1925.	Local authorities' functions transferred (prosp.).	25, ss. 2 (1) (*b*), 80 (2), sch. 1, pt. I.
c. 19 -	Trustee Act, 1925 -	S. 1 (investments) extended	13, s. 3.
c. 20 -	Law of Property Act, 1925.	S. 146 amended - -	9.
c. 33 -	Church of Scotland (Property and Endowments) Act, 1925.	Ss. 32 in part and 43 repealed, local authorities' functions transferred (prosp.).	25, ss. 1 (1), 18 (6), 79, 80 (2), sch. 9.
c. 34 -	Northern Ireland Land Act, 1925.	Ss. 23 (3), 35, and pt. II generally, amended, s. 23 (2) excluded.	14.
c. 36 -	Finance Act, 1925	S. 7 continued - - -	21, s. 4.
c. 47 -	Fire Brigade Pensions Act, 1925.	S. 18 (1) (2) amended, (3) added.	35.
c. 49 -	Supreme Court of Judicature (Consolidation) Act, 1915.	Ss. 57, 60A, &c. saved -	23, ss. 164 (1), 385 (2).
c. 59 -	Teachers (Superannuation) Act, 1925.	S. 2 (1) (*a*) in part repealed, 2 (1) (*b*) (i) amended, Act applied (prosp.).	17, ss. 124 (5), 132 (2), 134, 137, sch. 10, para. 19, sch. 12, pt. VII.
c. 70 -	Widows', Orphans' and Old Age Contributory Pensions Act, 1925.	Sch. 3, para. 1 amended (prosp.).	(E.) 17, s. 11. (S.) 25, ss. 30, 80 (2).
c. 71 -	Public Health Act, 1925.	Functions under ss. 21–2, 25, 27, 28, 30–2, 35 modified, s. 64 extended (prosp.).	17, ss. 14 (1), 30 (3), 31, 36, 134, sch. 1, pts. I, III and IV.
c. 75 -	Public Health (Scotland) Amendment Act, 1925.	Local authorities' functions transferred (prosp.).	25, ss. 2 (1) (*b*), 80 (2), sch. 1, pt. I.
c. 82 -	Roads and Streets in Police Burghs (Scotland) Act, 1925.	As to repayments, *see* -	25, ss. 6 (3), 80 (2).
c. 84 -	Workmen's Compensation Act, 1925.	S. 7 (3) in part, (4), (5) in part, and (6) repealed (prosp.).	23, ss. 381, 385 (2), sch 12, pt. I : *see* s. 264 (2).
c. 87 -	Tithe Act, 1925 -	S. 7 (3) repealed, s. 17 (2) amended (prosp.).	17, ss. 132 (2) 134, 137, sch. 10, para. 20, sch. 12, pt. VI.
c. 89 -	Education (Scotland) Act, 1925.	S. 2 repealed (prosp.) - -	25, ss. 79, 80 (2), sch. 9.

Session and Chapter.	Short Title.	How affected.	Chapter of 19 & 20 Geo. 5.
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c. 90 -	Rating and Valuation Act, 1925.	S. 69, (2) (*b*), sch. 2, pt. I, para. (8) repealed, ss. 3 (2), 9 (2), 10 (2), 11 (1), 16 (2) (4) (7) (8), 17 (4), 20 (1), 22 (2), 37 (10), 68 (1), sch. 2, pt. II amended, s. 17 (3) substituted, s. 37 restricted (prosp.).	17, ss. 15, 67, 70 (2) (3), 71, 134, 137, sch. 12, pts. I, V and VI: and *see* s. 38 (1).
16 & 17 Geo. 5:			
c. 3 -	Trade Facilities Act, 1926.	Ss. 1 (2), 2 (guarantee periods) further extended.	12.
c. 4. -	Unemployment Insurance (Northern Ireland Agreement) Act, 1926.	Agreement confirmed, &c.	18.
c. 9 -	Economy (Miscellaneous Provisions) Act, 1926.	S. 13 (3) amended and applied.	23, ss. 136 (4), 277 (8), 385 (2): and *see* s. 301 (3).
c. 20 -	Boards of Guardians (Default) Act, 1926.	*See*	17, s. 20.
c. 22 -	Finance Act, 1926 -	Ss. 15 (1) (*a*), (3) (4), 16 (1) in part and (2)–(4), 17 (2) (*a*), 18 in part, repealed, Act in part applied as to income tax for 1928–29.	21, ss. 1 (2), 2, 6, sch.
c. 45 -	Fertilisers and Feeding Stuffs Act, 1926.	Local authorities' functions (Scotland) transferred (prosp.).	25, ss. 2 (1) (*b*), 80 (2), sch. 1, pt. I.
c. 47 -	Rating (Scotland) Act, 1926.	Ss. 2 except (4), 5, 8, 10, 13, 18, 25 (1) (4) (6), and in part 29 (1), repealed, 14 (1), &c., and sch. 1 amended, ss. 12 (5) (6), 22 (1), 27, sch. 2 applied (prosp.).	25, ss. 3 (2), 7 (1), 19 (4), 21 (1), 44, 45 (2), 49 (1), 79, 80 (2), sch. 9.
c. 48 -	Births and Deaths Registration Act, 1926.	Construction of Act: *see*	17, s. 28 (1).
c. 54 -	Wireless Telegraphy (Blind Persons Facilities) Act, 1926.	Local authorities' functions (Scotland) transferred (prosp.).	25, ss. 2 (1) (*b*), 80 (2), sch. 1, pt. I.
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c. 9 -	Pacific Cable Act, 1927.	Ss. 3–7 (March 31, 1928) and whole Act (prosp.) repealed.	7, ss. 1 (*c*), 3.
c. 10 -	Finance Act, 1927 -	S. 18 repealed, Act in part applied as to income tax for 1928–29.	21, ss. 1 (2), 2, 6, sch.

Session and Chapter.	Short Title.	How affected.	Chapter of 19 & 20 Geo. 5.
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c. 17 -	Midwives and Maternity Homes (Scotland) Act, 1927.	Local authorities' functions transferred (prosp.).	25, ss. 2 (1) (*b*), 80 (2), sch. 1, pt. I.
c. 30 -	Unemployment Insurance Act, 1927.	S. 14 (2) amended - - Sch. 4 so far as amending 10 & 11 Geo. 5, c. 30, s. 26, repealed (prosp.).	19. 23, ss. 381, 385 (2), sch. 12, pt. I.
c. 33 -	Mental Deficiency Act, 1927.	S. 7 (2) (ii) repealed (prosp.)	17, ss. 134, 137, sch. 12, pt. VI.
18 & 19 Geo. 5 : c. 9 -	Local Authorities (Emergency Provisions) Act, 1928.	S. 2 repealed (prosp.) - -	17, ss. 134, 137, sch. 12, pt. I.
c. 14 -	National Health Insurance Act, 1928.	S. 19 (*a*) repealed (prosp.) -	23, ss. 381, 385 (2), sch. 12, pt. I.
c. 17 -	Finance Act, 1928	Ss. 1, 14 repealed, Act in part applied as to income tax for 1928–29.	21, ss. 1 (2), 2, 5, 6, sch.

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c. 30 -	Educational Endowments (Scotland) Act, 1928.	Saved - - - -	25, ss. 6 (2), 80 (2).
c. 31 -	Food and Drugs (Adulteration) Act, 1928.	Local authorities' functions (Scotland) transferred (prosp.).	25, ss. 2 (1) (*b*), 80 (2), sch. 1, pt. I.
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AND

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1928-9

THE

LOCAL AND PRIVATE ACTS

PASSED IN THE NINETEENTH AND TWENTIETH YEARS OF THE REIGN OF HIS MAJESTY

KING GEORGE THE FIFTH

IN THE FIFTH SESSION OF THE THIRTY-FOURTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

WITH AN

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A TABLE

OF

THE TITLES OF THE LOCAL AND PRIVATE ACTS (INCLUDING THE PUBLIC ACTS OF A LOCAL CHARACTER) PASSED DURING THE SESSION ARRANGED ACCORDING TO CHAPTER.

19 & 20 GEORGE 5.—A.D. 1928–9.

NOVEMBER 6, 1928—MAY 10, 1929.

LOCAL ACTS.

The Titles to which the Letter **P.** *is prefixed are Public Acts of a Local Character.*

19 GEO. 5.

ROYAL ASSENT, 28th November, 1928.

P. **i.** An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Coatbridge Drainage. (*Coatbridge Drainage Order Confirmation.*)

ROYAL ASSENT, 19th December, 1928.

P. **ii.** An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Perth Corporation. (*Perth Corporation Order Confirmation.*)

P. **iii.** An Act to confirm a Provisional Order of the Minister of Health relating to West Surrey Water. (*Ministry of Health Provisional Order Confirmation* (*No.* 6).)

iv. An Act to transfer to and vest in the Bognor Urban District Council the undertaking of the Bognor Water Company and to make further and better provision for the health local government finance and improvement of the district and for other purposes. (*Bognor Urban District Council.*)

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Royal Assent, 27th March, 1929.

v. An Act to transfer from the Commissioners of Works to the Council of the City of Westminster powers and duties with respect to the paving repairing lighting watering and cleansing of certain carriageways and footways within the Palace of Westminster and for purposes connected with the matters aforesaid. (*Parliament Square and other Streets.*)

P. vi. An Act to confirm certain Provisional Orders of the Minister of Health relating to Luddenden Joint Hospital District Middlesex Districts Joint Small-pox Hospital District Upper Stour Valley Main Sewerage District and Uxbridge Joint Hospital District. (*Ministry of Health Provisional Orders Confirmation* (*No.* 1).)

P. vii. An Act to confirm certain Provisional Orders of the Minister of Health relating to Montgomery and Somerset. (*Ministry of Health Provisional Orders Confirmation* (*No.* 2).)

P. viii. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Glasgow Young Women's Christian Association. (*Glasgow Young Women's Christian Association Order Confirmation.*)

P. ix. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Glasgow Corporation. (*Glasgow Corporation Order Confirmation.*)

x. An Act to confirm the creation and issue of rupee shares and to define the respective rights of the holders of sterling shares and rupee shares in the capital of the Asiatic Steam Navigation Company Limited and for other purposes. (*Asiatic Steam Navigation Company Limited.*)

xi. An Act to confer further powers on the Lancashire Electric Power Company and for other purposes. (*Lancashire Electric Power.*)

xii. An Act to consolidate the Sheffield Gas Acts and Orders 1855 to 1928. (*Sheffield Gas* (*Consolidation*).)

Royal Assent, 25th April, 1929.

xiii. An Act to empower the mayor aldermen and burgesses of the borough of Llanelly to make further provision with regard to water supply and markets and the health local government finance and improvement of the borough and for other purposes. (*Llanelly Corporation.*)

xiv. An Act to enable the Torquay Extramural Cemetery Company to enlarge their cemetery to raise additional capital and for other purposes. (*Torquay Cemetery.*)

xv. An Act to transfer to the Corn Exchange Company the undertaking of the London Corn Exchange Company to confer further powers on the Corn Exchange Company and authorise them to raise additional capital and for other purposes. (*Corn Exchange.*)

xvi. An Act to provide for the transfer to the South Suburban Gas Company of the undertaking of the Northfleet and Greenhithe Gas Company Limited to extend the limits of the South Suburban Gas Company for the supply of gas and for other purposes. (*South Suburban Gas.*)

19 & 20 Geo. 5.

Royal Assent, 10th May, 1929.

xvii. An Act to make provision for the better drainage of a certain area drained by the Rivers Don, Went, Torne, Aire, Ouse, and Trent; and for purposes connected therewith. (*Doncaster Area Drainage.*)

P. xviii. An Act to confirm a Scheme of the Charity Commissioners for the application or management of the Charities in the City of Winchester called St. John's Hospital and the Allied Charities and the Hospital of St. Mary Magdalen. (*St. John's Hospital* (*Winchester*) *and other Charities Scheme Confirmation.*)

P. xix. An Act to confirm certain Provisional Orders made by one of His Majesty's Principal Secretaries of State under the Marriages Validity (Provisional Orders) Acts 1905 and 1924. (*Provisional Orders* (*Marriages*) *Confirmation.*)

P. xx. An Act to confirm certain Provisional Orders of the Minister of Health relating to Leyton Morley Newcastle-upon-Tyne and Tintwistle. (*Ministry of Health Provisional Orders Confirmation* (*No.* 4).)

P. xxi. An Act to confirm a Provisional Order of the Minister of Health relating to Walsall. (*Ministry of Health Provisional Order Confirmation* (*No.* 5).)

P. xxii. An Act to confirm certain Provisional Orders of the Minister of Health relating to Brighton and Hove Bromley Guildford and Warrington. (*Ministry of Health Provisional Orders Confirmation* (*No.* 6).)

P. xxiii. An Act to confirm a Provisional Order of the Minister of Health relating to Middlesbrough. (*Ministry of Health Provisional Order Confirmation* (*Middlesbrough Extension*).)

P. xxiv. An Act to confirm certain Provisional Orders of the Minister of Health relating to Yeovil. (*Ministry of Health Provisional Orders Confirmation* (*Yeovil Extension and Water*).)

P. **xxv.** An Act to confirm a Provisional Order of the Minister of Health relating to Merthyr Tydfil. (*Ministry of Health Provisional Order Confirmation (Merthyr Tydfil Water Charges).*)

P. **xxvi.** An Act to confirm a Provisional Order made by the Minister of Transport under the Doncaster Corporation Act 1926 relating to Doncaster Corporation trolley vehicles. (*Doncaster Corporation (Trolley Vehicles) Order Confirmation.*)

P. **xxvii.** An Act to confirm a Provisional Order made by the Minister of Transport under the Southend-on-Sea Corporation Act 1926 relating to Southend-on-Sea Corporation Trolley Vehicles. (*Southend-on-Sea Corporation (Trolley Vehicles) Order Confirmation.*)

P. **xxviii.** An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Falkirk Burgh extension drainage &c. (*Falkirk Burgh Order Confirmation.*)

P. **xxix.** An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Nith Navigation. (*Nith Navigation Order Confirmation.*)

P. **xxx.** An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Kirkcaldy Corporation. (*Kirkcaldy Corporation Order Confirmation.*)

P. **xxxi.** An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Dumfries and Maxwelltown Burghs Amalgamation. (*Dumfries and Maxwelltown Burghs Amalgamation Order Confirmation.*)

P. **xxxii.** An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Dysart Corporation. (*Dysart Corporation Order Confirmation.*)

P. **xxxiii.** An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the London and North Eastern Railway. (*London and North Eastern Railway Order Confirmation.*)

xxxiv. An Act to provide for the transfer of the gas undertaking of the mayor aldermen and burgesses of the borough of Wokingham to the Yorktown (Camberley) and District Gas and Electricity Company and to confer further powers on such company and for other purposes. (*Yorktown (Camberley) and District Gas and Electricity.*)

xxxv. An Act to empower the London and North Eastern Railway Company to acquire additional lands to extend the time for the completion of certain railways and for the compulsory purchase of certain lands and for other purposes. (*London and North Eastern Railway.*)

xxxvi. An Act to amend the provisions of the Birkenhead Corporation Water Act 1907 with respect to compensation water to confer further powers on the Corporation with respect to their water undertaking and for other purposes. (*Birkenhead Corporation Water.*)

xxxvii. An Act to empower the Corporation of Blackburn to provide and run omnibuses to make further provision with respect to their tramway water and electricity undertakings and the health local government and finance of the borough and for other purposes. (*Blackburn Corporation.*)

xxxviii. An Act to make provision as to the pension fund and provident funds established by the Pacific Cable Board and for other purposes. (*Pacific Cable Board (Pension and Provident Funds).*)

xxxix. An Act to confer upon the mayor aldermen and citizens of the city of Salford borrowing and other financial powers and for other purposes. (*Salford Corporation.*)

xl. An Act to confer powers upon the Metropolitan Water Board. (*Metropolitan Water Board.*)

xli. An Act to authorise and confirm the construction by the Crowborough District Water Company of certain new and existing works to increase the capital and borrowing powers of the Company to revise the powers of charge of the Company and for other purposes. (*Crowborough District Water.*)

xlii. An Act to provide for the transfer to the Gas Light and Coke Company of the undertakings of the Grays and Tilbury Gas Company and the Pinner Gas Company Limited to confer various powers upon the Gas Light and Coke Company and for other purposes. (*Gas Light and Coke Company's.*)

xliii. An Act for conferring further powers upon the Great Western Railway Company in respect of their own undertaking and upon that Company and the London Midland and Scottish Railway Company in respect of an undertaking in which they are jointly interested and upon the Great Western and Great Central Railways Joint Committee and for other purposes. (*Great Western Railway.*)

xliv. An Act to authorise the Leamington and Warwick Electrical Company Limited to abandon their tramways and provide and run omnibuses and for other purposes. (*Leamington and Warwick Traction.*)

xlv. An Act to constitute the Llanfrechfa Upper and Llantarnam Water Board to transfer to the Board the water undertaking of the Llanfrechfa Upper Urban District Council to empower the Board to construct new works and to supply water and for other purposes. (*Llanfrechfa Upper and Llantarnam Water Board.*)

xlvi. An Act to empower the London Midland and Scottish Railway Company to construct a railway deviation and works and to acquire lands to extend the time for the compulsory purchase of certain lands and for other purposes. (*London Midland and Scottish Railway.*)

xlvii. An Act to empower the London County Council and the mayor aldermen and burgesses of the county borough of West Ham to make new streets street widenings and other works for the improvement of the approaches to the Royal Victoria Dock and other docks of the Port of London Authority and to construct and work new tramways in substitution for certain existing tramways to provide for contributions by other authorities towards the cost of the said works and for other purposes. (*Royal Victoria and other Docks Approaches (Improvement).*)

xlviii. An Act to empower the Southern Railway Company to construct works and acquire lands to extend the time for the completion of certain works and the compulsory purchase of certain lands to abandon certain railways and works and for other purposes. (*Southern Railway.*)

xlix. An Act to confer further powers on the Tyne Improvement Commissioners and for other purposes. (*Tyne Improvement.*)

l. An Act to enable the council of the city of Westminster and the Duke of Westminster and his successors in title as owners of the Millbank Estate to make provision for rehousing the working class inhabitants of the said estate to make street improvements in connection with the redevelopment of the said estate and to make agreements for the provision of the money required for those purposes. (*Westminster City (Millbank) Improvement.*)

li. An Act to extend the limits of supply for water and gas of the Winchester Water and Gas Company to confer further powers on the Company and for other purposes. (*Winchester Water and Gas.*)

lii. An Act to transfer to and vest in the Windermere Urban District Council the undertaking of the Windermere District Gas and Water Company and to authorise that Council to supply water and gas and for other purposes. (*Windermere Urban District Council.*)

liii. An Act to regulate the expenditure on capital account and lending of money by the London County Council during the financial period from the first day of April one thousand nine hundred and twenty-nine to the thirtieth day of September one thousand nine hundred and thirty and for other purposes. (*London County Council (Money).*)

liv. An Act to empower the Great Western Railway Company to provide air transport services and for other purposes. (*Great Western Railway* (*Air Transport*).)

lv. An Act to empower the London and North Eastern Railway Company to provide air transport services and for other purposes. (*London and North Eastern Railway* (*Air Transport*).)

lvi. An Act to empower the London Midland and Scottish Railway Company to provide air transport services and for other purposes. (*London Midland and Scottish Railway* (*Air Transport*).)

lvii. An Act to empower the Southern Railway Company to provide air transport services and for other purposes. (*Southern Railway* (*Air Transport*).)

lviii. An Act to empower the county council of the administrative county of the Soke of Peterborough to construct a street with bridges over the river Nene and the London and North Eastern Railway and other street works connected therewith in the city and borough of Peterborough to empower the mayor aldermen citizens and burgesses of the said city and borough to purchase lands for the extension of their generating station for making and improving streets for a parking ground and for housing and for other purposes. (*Soke and City of Peterborough.*)

lix. An Act to authorise the union of the Wesleyan Methodist Church the Primitive Methodist Church and the United Methodist Church to deal with real and personal and heritable and moveable property belonging to the said Churches or denominations to provide for the vesting of the said property in trust for the Church so formed and for the assimilation of the trusts thereof and for other purposes. (*Methodist Church Union.*)

lx. An Act to empower the mayor aldermen and burgesses of the borough of Southampton to erect a town hall to confer further powers upon the said mayor aldermen and burgesses and for other purposes. (*Southampton Corporation.*)

lxi. An Act to authorise the lord mayor aldermen and citizens of the city of Nottingham and county of the same city to construct sewerage and sewage disposal works street works and waterworks to purchase lands compulsorily for various purposes to extend the Corporation's limits for the supply of water to empower the Corporation to run trolley vehicles on further routes to confer further powers upon the Corporation with regard to streets and buildings and the health and good government of the city and for other purposes. (*Nottingham Corporation.*)

lxii. An Act to confer further powers on and to change the name of the Southport Birkdale and West Lancashire Water Board and for other purposes. (*Southport and District Water.*)

lxiii. An Act to provide for the transfer of the undertaking and powers of the Lewes Water Company to the mayor aldermen and burgesses of the borough of Lewes to authorise the said mayor aldermen and burgesses to supply water in and in the neighbourhood of their borough and for other purposes. (*Lewes Corporation.*)

lxiv. An Act to confer further powers on the Halifax Corporation with respect to their tramway omnibus and electricity undertakings and for other purposes. (*Halifax Corporation.*)

lxv. An Act to authorise the abandonment of the tramways of the Portsmouth Street Tramways Company and to provide for the running of omnibuses in substitution therefor to alter the existing powers of the Company to run omnibuses and to change the Company's name and for other purposes. (*Gosport and Fareham Omnibus Services.*)

lxvi. An Act to empower the Corporation of Haslingden to provide and run omnibuses to make further provision with respect to their omnibus and electricity undertakings and for other purposes. (*Haslingden Corporation.*)

lxvii. An Act to provide for the abandonment of the railways authorised by the Jarrow and South Shields Light Railways Order 1901 to repeal the said Order and for other purposes. (*Jarrow and South Shields Light Railways* (*Abandonment*).)

lxviii. An Act to empower the Corporation of Preston to construct a weir across the river Ribble and to execute street improvements to make further provision with reference to their electricity undertaking and the finance of the borough and for other purposes. (*Preston Corporation.*)

lxix. An Act to confirm and give effect to a Deed of Trust relating to a gift by the first Earl of Iveagh for public purposes of property at Kenwood in the metropolitan boroughs of Hampstead and Saint Pancras in the county of London and the borough of Hornsey and the urban district of Finchley in the county of Middlesex and for purposes connected therewith. (*Iveagh Bequest* (*Kenwood*).)

lxx. An Act to empower the lord mayor aldermen and citizens of the city of Birmingham to construct works for the improvement of the rivers Rea and Tame and for other purposes. (*Birmingham Corporation* (*Rivers Improvement*).)

lxxi. An Act to empower the Oldbury Urban District Council to acquire lands and execute street improvements and to make further and better provision for the health local government finance and improvement of the district and for other purposes. (*Oldbury Urban District Council.*)

lxxii. An Act to extend the time for the completion of certain widenings of the Knottingley and Goole Canal to make further provision with regard to shipping dues and wharfage rates at the Port of Goole to relieve the Undertakers of the Aire and Calder Navigation of the liability to maintain and keep navigable a portion of the River Aire and for other purposes. (*Aire and Calder Navigation.*)

lxxiii. An Act to make provision as to the abandonment of the light railways tramways and tramroads owned or worked by the Chatham and District Light Railways Company to authorise the Company to run omnibuses to change the name of the Company and for other purposes. (*Chatham and District Traction.*)

lxxiv. An Act to authorise the Cheltenham and District Light Railway Company to abandon their light railways and provide and run omnibuses to change the name of the Company and for other purposes. (*Cheltenham District Traction.*)

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lxxvii. An Act to vest in the urban district council of Newport (Salop) the property and liabilities of the Newport Town and Marsh Trustees to make provision in regard to the supply of gas by the Council and for other purposes. (*Newport (Salop) Urban District Council.*)

lxxviii. An Act to regulate the use of the Mount Vernon Hospital Estate and the application of certain of the funds and investments in the hands of the Mount Vernon Hospital (Incorporated) and for other purposes. (*Mount Vernon Hospital.*)

lxxix. An Act to empower the mayor aldermen and burgesses of the borough of Warrington to construct waterworks to make further provision with regard to their water undertaking and for other purposes. (*Warrington Corporation Water.*)

lxxx. An Act for incorporating and conferring powers upon the Galloway Water Power Company and for other purposes. (*Galloway Water Power.*)

lxxxi. An Act to confer further powers upon the lord mayor aldermen and citizens of the city of Manchester in relation to their tramway and electricity undertakings and for other purposes. (*Manchester Corporation.*)

lxxxii. An Act to empower the county council of the administrative county of Cornwall to extend and improve Torpoint Ferry and to construct a new bridge and street works at Penryn to vest the Bodmin County Asylum Estate in the said Council and make provision for the constitution of the asylum committee to make further provision with regard to highways the protection of rivers and streams and public health and for other purposes. (*County of Cornwall.*)

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lxxxvii. An Act to confer further powers upon the London County Council and metropolitan borough councils and for other purposes. (*London County Council (General Powers).*)

lxxxviii. An Act to extend the boundaries of the city and county of Kingston upon Hull and for purposes incidental thereto. (*Kingston upon Hull Extension.*)

lxxxix. An Act to confer further powers on the Imperial Continental Gas Association to repeal and re-enact with amendments the provisions of the several Acts governing the Association and for other purposes. (*Imperial Continental Gas Association.*)

xc. An Act to amend the provisions of the Will of the late Right Honourable Cecil John Rhodes and for other purposes. (*Rhodes Trust.*)

xci. An Act to empower the mayor aldermen and burgesses of the borough of Tunbridge Wells to erect a town hall and other buildings to acquire lands for those purposes and for the purposes of their water undertaking and the protection of their water supply from contamination to make further provision with regard to the supply of water by the Corporation and for other purposes. (*Tunbridge Wells Corporation.*)

xcii. An Act to confer further powers upon the Corporation of Smethwick with regard to watercourses and for the prevention of floods to make better provision for the health local government and finance of the borough and for other purposes. (*Smethwick Corporation.*)

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PRIVATE ACT.

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19 & 20 Geo. 5.

ROYAL ASSENT, 10th May, 1929.

1. An Act to provide during the subsistence of the trust for accumulation contained in the will of Richard Beaumont Thomas deceased and during the lifetime and widowhood of his widow for the maintenance of the Testator's children and grandchildren out of the surplus income of the Testator's residuary estate and to direct how certain sums already paid for their maintenance advancement and benefit are to be accounted for and for the payment of an additional annuity to his widow and to enable the Testator's sons to appoint annuities to their widows and for other purposes. (*Beaumont Thomas Estate.*)

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OF

19 & 20 GEO. 5.—A.D. 1928–9.

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